

T H E
PARLIAMENTARY REGISTER:
O R,
H I S T O R Y
O F T H E
PROCEEDINGS AND DEBATES
O F T H E
HOUSE of COMMONS
O F
I R E L A N D,

The FOURTH SESSION of the THIRD PARLIAMENT
in the Reign of his present Majesty.

Which met the 9th of October, 1781, and ended the 27th of
July, 1782.

T H E S E C O N D E D I T I O N .

V O L . I .

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M,DCC,LXXXIV.

THE
PARLIAMENTARY REGISTER:

OF
THIS

OF THE
PROCEEDINGS AND DEBATES

OF THE
HOUSE OF COMMONS

J. R. H. L. A. W. D.



THE SECOND EDITION

OF THE

DUBLIN

Printed for James Basset, No. 12, Abchurch Lane,
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And for the Author, No. 12, Cornhill.

P R E F A C E.

THE session of parliament which commenced in 1781, under the administration of the Earl of *Carlisle*, and ended in 1782, under the administration of the Duke of *Portland*, makes a conspicuous figure in the annals of Ireland: In reading the debates of this session, we are struck with admiration and respect for the Irish senate; whether we consider the matchless abilities and indefatigable perseverance of the patriot assertors of our rights, exerted to bring forward the great questions of our constitution; or the judicious moderation of those, who, actuated perhaps with equal love to their country, but more timorous of risking her safety, endeavoured to defer those questions to a more auspicious moment. Happily that moment did arrive—the ardent desires of the nation were gratified with an address to the throne, founded on the true constitutional principles of liberty—the voice of parliament was unanimous—and the whole island echoed approbation.

We will not attempt to justify the presumption of exhibiting to public view, the debates
of

of that truly august assembly, who have rescued this country from ruin and contempt, by saying that the British parliament gratifies the free spirit of that nation, in permitting daily, monthly, and annual publications of their debates, but we will rest our apology upon its true foundation—that we could not deny ourselves the pleasure of tracing those steps, that, through the road of virtue, have led to freedom—of recording in their own words, the never-dying fame of those benevolent friends of mankind, who, removing every bar of religious prejudice, have made the men of Ireland an united people,—of preserving to after times, the memory of those who have improved commerce, and established public credit—in a word, of laying before the nation the obligations which we owe to the representative body; and, thereby, ensuring them public gratitude, and universal esteem.

**THE
PARLIAMENTARY REGISTER:**

O R,

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE of COMMONS

OF

IRELAND,

**The FOURTH SESSION of the THIRD PARLIAMENT
in the Reign of his PRESENT MAJESTY.**

TUESDAY, OCTOBER 9, 1781.

THE House met pursuant to prorogation.—The number of Members present was much greater than has been known upon the opening of any former session.

A Message was received from his Excellency the Lord Lieutenant, by the Usher of the Black Rod, requiring the attendance of the Speaker and Members of the House of Commons, in the House of Lords; where being assembled, his Excellency delivered the following Speech:

“ My Lords and Gentlemen,

“ In obedience to his Majesty’s commands, I meet you in Parliament, as Chief Governor of this kingdom; and though I feel with diffidence and anxiety the weight and importance of the trust

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with which I am honoured, yet it is a matter of encouragement to my mind, that I arrive at a period peculiarly auspicious to Ireland. The substantial effects of those benefits which the wisdom and liberality of the British Parliament have lately communicated to this country, are already apparent in the encrease of her manufactures, and the extension of her commerce. From the progress which has been made, notwithstanding the obstacles that industry must have suffered from a war, which extends itself over so great a part of the globe, it is but proper to expect, that every source of national employment and wealth, will diffuse itself much wider, whenever the blessings of peace shall be restored.

“It gives me the sincerest pleasure to execute his Majesty’s commands, by assuring you, in his royal name, of his determination to continue the most parental attention to the rising prosperity of this country; the true interests of which are, and must ever be, inseparable from those of Great-Britain.

“His Majesty’s domestic happiness has received an increase, and the Protestant succession a further security, by the birth of another prince.

“*Gentlemen of the House of Commons,*

“Your last grants being nearly expired, it will now rest with your deliberation and prudence, to furnish such supplies as you deem adequate to the maintenance of public credit, the honourable support of his Majesty’s government, and the safety of the kingdom.

“I have ordered the proper accounts to be laid before you; from these you will be made acquainted with the state of the revenues and expences, and will be enabled to judge what provisions may be suitable to the circumstances of your country, and the exigencies of the public service. If any measures can be devised, tending to improve the management of the finances, and to effectuate a more compleat and more secure collection of the revenue, they will have my chearful concurrence.

“*My Lords and Gentlemen,*

“Conscious that it is my indispensable duty to promote whatever may contribute to extend the advantage of civil society, I take the first occasion to call your earnest attention to the encouragement of your trade, and the improvement of your manufactures; and especially to the maturing and enforcing of your interior police, as well by your deliberations, as by the influence of your councils and examples, impressing upon the minds of the people becoming reverence of the laws.

“ The humanity and wisdom of those motives which influence your support of the Protestant Charter Schools, as receptacles of true religion and honest industry, will continue to engage your regard.

“ I am sensible also of the expediency and good policy of the encouragements which are accustomed to be given, as well to the linen manufacture as to tillage, to the fisheries, the inland carriage and export of corn, and other great national objects.

“ It will deserve, however, your best attention and vigilance to ascertain and enforce the strict and due expenditure of such sums as may be granted for these wise and benevolent purposes.

“ His Majesty ardently wishes the happiness of his people of Ireland, in whose affection and loyalty he places the firmest reliance. And though I am not directed to call upon you for any extraordinary supplies, in this time of general hostility, when these kingdoms are exposed to an unnatural and dangerous combination of enemies; I have not the smallest doubt, that I shall be able to assure his Majesty of your cordial disposition to give him every assistance compatible with your means and circumstances.

“ No event could more contribute to the public security, than the general concurrence with which the late spirited offers of assistance were presented to me, from every part of this kingdom: And I am fully convinced, that if the necessity had arisen, it was in my power to have called into action all the strength and spirit of a brave and loyal people, eager, under my direction, to be employed in aid of his Majesty's regular forces, for the public defence.

“ I trust that every part of my conduct will demonstrate how much it is the wish of my heart to engage your confidence: I shall claim it only in proportion as I shall be found to deserve it, by an unwearied endeavour to promote the prosperity of Ireland. And I am sensible, that this is the best method of recommending my services to our Sovereign, and of obtaining your concurrence towards the ease and honour of my administration.”

The members being returned from the House of Lords, and the Speaker having taken the Chair, the Right Honourable *John O'Neil* arose. He said, that from the custom and usage of Parliament, it became almost a mere matter of form for the House to address the Throne at the opening of a session; that from the well known loyalty and attachment of this nation to our Sovereign, that form was almost unnecessary. Yet the particular circumstance of the times called upon the nation, called upon each individual to express their zeal and loyalty—that zeal which had ever risen in proportion to the public exigency—that loyalty which had ever increased in proportion to the surrounding

danger;—that upon this principle he was convinced, the present address would exceed, in terms of loyal duty, all former addresses, as the speech from the Lord Lieutenant had, in liberality of sentiment and terms of reliance upon the nation's loyalty, exceeded all former speeches.

He said, it had been usual to express in that House, an opinion of a new administration; but that the character of the Nobleman under whose government this kingdom had now the happiness of being placed, was too universally known—too universally admired—to need the smallest eulogium.—That we had now the advantage of being governed by one who possessed not only the WILL, but also the POWER of doing us service. That the Nobleman in question, had been one of the first to recognize and declare, this nation's right to a free and uncontrouled commerce; and that his former noble, disinterested conduct, the desire he must have to retain his present exalted reputation, with that noble pride of ancestry which disdains to stoop, were a full security for placing unlimited confidence in his Excellency's declarations.

He therefore moved, that the following address be presented to his Majesty :

The humble ADDRESS of the KNIGHTS, CITIZENS and BURGESSES, in Parliament assembled, to the KING's most excellent MAJESTY.

“ Most gracious Sovereign,

“ WE, your Majesty's most dutiful and loyal subjects, the Commons of Ireland, in Parliament assembled, approach your Majesty with unfeigned and heart-felt expressions of duty, loyalty, and attachment to your Majesty, for having placed in the government of this kingdom a Nobleman, from whose cultivated talents, experienced abilities, and known virtues, we have every reason to expect that the happiness of Ireland will be secured and increased.

“ The great and substantial benefits which have been communicated to this country through the benign influence of your Majesty's love for your subjects, and the wisdom and liberality of the British Parliament, are already felt in the increase of our manufactures, and the extension of our commerce; and we may reasonably expect farther facilities to the extension of industry, and a farther diffusion of national employment and wealth, when the blessings of peace shall be restored to the world.

“ The gracious assurances of your Majesty's royal determination to continue the most paternal attention to the increasing prosperity of Ireland, cannot but impress upon our minds the warmest sensations of gratitude; and we feel the clearest conviction, that the mutual security and strength of your Majesty's kingdom can

never be promoted but by the spirit and effect of that policy, which considers their true interests as ever inseparable.

“ Deeply interested for our Sovereign’s domestic felicity, we offer our congratulations to your Majesty, upon the birth of another Prince ; and consider every increase of your Majesty’s family, as adding security to that happy succession to which your Majesty’s loyal subjects of Ireland have at all times shewn the most steady and inviolate attachment.

“ Animated as well by our affections to your Majesty, as by our attachment to the essential welfare of our constituents, we shall, so far as the circumstances of the country will permit, with the utmost cheerfulness, grant such supplies as shall appear adequate to the maintenance of public credit, the honourable support of your Majesty’s government, and the security of the kingdom ; and we shall, without delay, apply our attention to whatever may contribute to improve the management, and secure the collection of the public revenues.

“ We acknowledge your Majesty’s tender concern for the public welfare, in what has been recommended to us from the Throne, respecting the linen manufacture, tillage, and protestant charter schools, the corn bounties, the interior police of the kingdom, and other national objects ; and we shall not fail on our part, in that regard which matters of such importance deserve.

“ We are farther sensible of your Majesty’s goodness in not having called upon your kingdom of Ireland for any extraordinary supplies, in this time of general hostility, and your Majesty may be thoroughly persuaded of our earnest dispositions to give every assistance compatible with our means and circumstances, towards resisting and repelling the unnatural and dangerous combination of enemies to which your dominions are at present exposed.

“ That the ardour with which the late offers of service were presented from every part of the kingdom, has offered the most convincing proof, that the strength and spirit of your Majesty’s faithful people are animated by the warmest loyalty towards your person and government ; and we feel a conscious pride, that the character which this country must bear in the eyes of Europe, will tend to establish the glory of your Majesty’s government, and the safety and happiness of this kingdom.”

Mr. O’Neil very ably remarked upon the different parts of the speech, and of the address, which were intended to correspond. He concluded with saying, that if this should be thought by the Speaker a proper time, he held himself called upon to make another motion, which he doubted not would meet the unanimous concurrence of the House.

Mr. *Holmes* next arose to second Mr. *O'Neil's* motion for an address. He said he found himself in some degree mortified at coming immediately after a gentleman who had displayed such superior talents; yet he could not repress the pleasure he received in the auspicious appearance with which this session opened. He could not avoid felicitating the House upon the very different prospects which were seen from the beginning of this and every former session. He drew a true, but most melancholy picture of our former miserable situation, when thousands of starving manufacturers thronged our streets clamorous for bread; while government looked with painful despondency at the objects it could not relieve; when the nation, ruined by oppression, shook at the sound of every idle rumour, and the people, chilled with cold despair, trembled at every sail that fluttered on our coast;—a feeble government, and a bankrupt treasury was then our lot; but now, through his Majesty's benign interference, England has done us justice; and by an act of justice, we are restored to the enjoyment of all the bounties with which Providence has blessed our isle; we already begin to taste the sweets of commerce, and when peace shall bless the land, may hope to carry it to full perfection. His Excellency does not desire us to make provision for extraordinary supplies; he does not, like his predecessors, come forward with a complaint of failure in the revenue, of deficiencies which must be made good, but calls upon you to improve the advantages you have received, and engages to coincide in every measure that can promote the public welfare.—How different is our situation from that of Britain, where the national debt is heaped millions upon millions; where every source of taxation is drained, and the most able financier is puzzled to find a new object of revenue.—This nation had been emphatically called *Young Ireland*; in a commercial sense, she was young indeed, with all the happy prospects of youth before her, and it was the duty of the Members of that House to train her youth, and confirm her age in that laudable conduct which had already procured her so much honour: Above all, it was their duty and interest to cultivate the friendship, and to support the glory of England; our safety and prosperity were now, by every wise and good man in both kingdoms, considered as inseparable; and the man who would wish to disunite the two nations, thus bound by mutual ties of interest and affection, must have a head as weak as his heart was villainous.

Sir *Samuel Bradstreet*, (the Recorder) now arose, and complimented the present Administration, by elegantly observing, that the dawn of his Excellency's life was brightened by literary fame, and his maturer age honoured with trusts of the highest consequence; and that the kingdom had much advantage to expect from the great abilities of the Lord Lieutenant's confidential friend and Secretary, Mr. *Eden*, who was the first Englishman of station, who

had taken up and supported the claims of Ireland to a Free Trade. He then said, he did not intend to give any opposition to the address—on the contrary, he thought it full, and it had his approbation; but he thought this a proper opportunity of introducing an amendment in the address—a request to his Majesty, to order some constant and effectual protection to that commerce to which the nation was so lately restored.—That as representative of the first city in Ireland, he thought himself called upon to complain of the great neglect our trade had suffered; that while the most paltry privateers of the enemy continued to make depredations on our coasts, the executive government of Ireland could not command a single frigate to go in pursuit of them, or to guard our channel from those plunderers.

Mr. *Fitzgibbon* thought this an improper time to enter on such a subject, and declared, that if at present it was intended to be introduced, he would vote against it; and asked if the gentleman intended to pledge the House for the maintenance of an Irish navy.

And pray why not of an Irish navy? replied Mr. *Yelverton*. Why should not the trade of Ireland be protected by ships under the command of the executive power of Ireland, especially as Parliament has already provided for the expence? For one of the acts which grants the hereditary revenue to his Majesty, expressly declares it is GRANTED for the protection of the trade of Ireland; but it is APPLIED to the support of that infamous list of pensioners who fatten upon the national wealth, while her dearest interests lie neglected. However, he thought this business might be deferred to a future day; and though he had long entertained this as a favourite scheme for the benefit of his country, and had resolved to bring it forward early in this session, yet he would relinquish the honour of being its mover, to his learned friend, the *Recorder*, and content himself with giving it his best support. The address, he said, spoke something of the liberality of the British Parliament towards this country, in extending our commerce: if this was meant, with respect to that commerce which by a lawless act of power England had restrained, he renounced the idea, and he was assured every Member of that House would do the same; but if it meant only as to the West-India and America trade, which England had a right to withhold, he should be satisfied. He gave his concurrence to the address.

Mr. *O'Neil* then explained, that the words, “the liberality of the British Parliament,” were merely confined to the grants of our late extended commerce to America and the West-Indies.

Mr. *Grattan* said he did not rise to give opposition to the address, but merely to demand from the Honourable Mover, an explanation of some very delicate points, which he thought might

be construed to the disadvantage of the nation. The speech and the address declared, that no extraordinary supply would be demanded. What Parliament could have been more generous than the last? 500,000*l.* granted by them, was an extraordinary supply; whatever new taxes were then granted, were an extraordinary supply. He wished to know what was intended by declaring ourreadiness to support England against her enemies? Was it intended to pledge the House in support of an American or French war? The nation was unequal to it, for we could scarcely support ourselves. He then took notice of the extreme caution with which the address avoided mentioning the word Volunteer; that wholesome and salutary appellation, which he wished to familiarise to the royal ear: he would not, however, insist on having it inserted, as he had reason to believe the Right Honourable Mover did intend to make a proper mention of those protectors of their country.

Mr. *O'Neil* declared he was not deceived in this opinion—that the motion to which he had alluded, was intended to thank the Volunteers of Ireland for that glorious spirit, unexampled in all history, with which they had so eagerly pressed forward when the nation was thought to be in danger. As to objection to that part of the address which speaks of the liberality of England in extending our commerce, his opinion was the same as the Honourable Gentleman, (Mr. *Yelverton*) he never had an idea of gratitude due but for the Colony trade; and as to an engagement to support England against her enemies, he did not think, if she were attacked, it would be possible to make the people of this country indifferent spectators; but if any demands should be made that the House could deem improper, every Member in his place would have an opportunity of opposing them.

The address then passed without a dissenting voice.

Mr. *O'Neil* then moved, that the thanks of the House be given to ALL THE VOLUNTEERS OF IRELAND, for their exertion and continuance, and for their loyal and spirited declarations on the late expected invasion.

Mr. *Conolly* seconded the motion.

Mr. *Fitzgibbon* said he thought the present vote unnecessary, after the censure which was passed upon part of the body last sessions. They were totally incompatible, and could not stand in the records of one Parliament, one with the other. He therefore moved, that the former censure should be read, before the present motion received its decision.

The *Recorder* observed, that almost at the time the resolution mentioned was passed, Parliament relented, and became itself a mediator. He was exceedingly averse to the renewing of any jealousy between Parliament and even a part of the Volunteers. Error was the common lot of human nature, it was not

inconsistent with the tenor of human occurrences, to censure at one time, and give due praise at another, and therefore requested that Mr. *Fitzgibbon* would withdraw his opposition.

Mr. *Conolly* said, he found himself so much interested in this affair, that he could not decline expressing his sentiments. He was the person who had the honour of first moving the thanks of that House to all the Volunteers of Ireland, for taking up arms at a critical period. He was happy to be the harbinger of such a token of national gratitude; but when the papers alluded to were published, by a few of these Volunteers, he thought it incumbent on him to get up again, for the honour of the whole, and move the vote of censure which remains upon the journals, against the dangerous resolutions that had been published. The same spirit that prompted him to applaud the VIRTUOUS and PATRIOTIC CONDUCT of the great *Body of Volunteers*, obliged him to condemn whatever appeared derogatory to that character, in a few; yet, notwithstanding all the misrepresentations that had been made of his conduct in the public papers, his love and attachment to the Volunteers was still the same. The few who had fallen into error, had gloriously repaired the fault, and he would now, with as much pleasure as ever he felt in his life, support the vote of thanks, and move to expunge the vote of censure.

Mr. *Fitzgibbon* declared, he did not rise to oppose the motion of thanks to the Volunteer Corps, for whom no man entertained a higher respect than he: but he rose to preserve the dignity of the House, to prevent their proceedings from falling under the charge of inconsistency. He hoped the conduct of the House would ever be marked by a dignified uniformity, which could not be the case if they entered into a resolution of thanks to all the Volunteers, while the Journals of the House contained matter of the highest censure against some particular corps. Those resolutions he therefore wished done away, before the House could proceed to a vote of thanks.

The Right Hon. *John Scott*, (Attorney General) said he was bold to assert, that the resolution was only intended against the printers and publishers of inflammatory paragraphs, and not aimed at the Volunteers; that if the Honourable Gentleman who now made the objection, was present last sessions, at the time, he would certainly join in the resolution. He had as high a veneration, as any man in the kingdom, for the armed Associations, or call them by what name you will, (said he) A VIRTUOUS ARMED PEOPLE. If any blame lay for want of prosecution, it in a great measure, lay with him, as the proper officer of the Crown. But he could not help thinking that the Parliament last sessions, when the respectable name of Volunteer was abused, shewed a peculiar dignity in taking up this affair, and then generously relinquishing every idea

of resentment, least it should be considered as extending to the whole body.

Mr. *Ogle* declared, he thought it would be extremely inconsistent for the House to return thanks to the Volunteers, while the resolutions of the House's displeasure remained upon the Journals; and that if no other Member would move to have them expunged, he would do it.

The Right Hon. *John Hely Hutchinson*, (Provost) said he could plainly prove, that the two resolutions were not inconsistent. He asked the House what they then offered thanks to the Volunteers for? For their continuance, and their late spirited exertions. The two propositions were totally distinct. When a man was reconciled to his friend, every generous motive must disallow a further cause of crimination.

Sir *Edward Newenham* spoke a few words for expunging the resolution.

After a long debate, in which nothing new was offered, the objection was withdrawn, which indeed every Member wished had never been started, and the House passed the resolution of thanks with the most hearty and unanimous good will; at the same time ordering the Sheriffs of the different counties to present them.

Lord *Charles Fitzgerald* moved an address of thanks to his Excellency the Lord Lieutenant; to which the House unanimously agreed.

WEDNESDAY, OCTOBER 10.

The *Recorder* moved for leave to bring in heads of an Habeas Corpus Bill, prefacing his motion by observing, that the liberty and safety of the subjects of Ireland were insecure until an Habeas Corpus Act should take place; that arbitrary power had made great strides and innovations on public liberty, but was effectually restrained by this law, which had its full operation in England, but did not exist in this kingdom. It was, he said, the opinion of a great and learned Judge, that this law was the grand bulwark of the constitution.—Leave was granted, and Mr. *Yelverton* and the *Recorder* were ordered to prepare and bring in the same.

Mr. *Grattan* said, he was willing never to condemn an Administration, until he thoroughly knew he had sufficient grounds. The Ministry of England had offered America the regulation of her own armies; he could not see any reason why the loyal people of Ireland should be denied that benefit. He would, he said, in due time, bring forward the Mutiny Act to be agitated upon that subject, and if it was opposed, it would at least, have the constitutional freedom and spirit of the country to contend with.

A bill for rendering the Judges independent during good behaviour, and some other bills were spoken of.—When Sir *Lucius O'Brien* arose, and said, that a matter of the utmost importance to the nation had too long remained undecided—our freedom of trade with Portugal, where goods of Irish manufacture had been stopt, and would not be permitted for sale.—That he could not think of going into the committee for regulating duties, which duties had hitherto been so very favourable to Portugal, until something was done relative to our trade with that kingdom; that he did not mean to throw any censure either upon the English or Irish Ministry, but that the thing had too long remained in doubt, and he wished to have a committee appointed to take into consideration the state of the trade of Ireland, where, he doubted not, it would be fully explained.

Mr. *Eden* now arose.—He agreed with Sir *Lucius*, that a great deal of time had been spent about this very embarrassing business, but assured the House that the utmost exertions had been used both at this and the other side the water, to bring it to a happy determination. He thought that matters being now in a prosperous train, it might be highly imprudent, by any appearance of haste, by any precipitate measure, to risk a disappointment; he believed the time would soon arrive when such an enquiry might be gone into with safety and satisfaction, but at present there were strong reasons against it; he therefore requested the Honourable Gentleman would agree to suspend this business 'till a more favourable opportunity.

Mr. *Grattan* recommended to Sir *Lucius* to let the enquiry lie over until after the recess, as he should in that case think the Honourable Member, (Mr. *Eden*) pledged to move for the desired enquiry himself.

Mr. *Eden* declared, that though he should at all times hold himself pledged to make every enquiry, and to pursue every measure that promised advantage to this kingdom, yet he did not think himself pledged to take up the present business immediately after the recess, or at any other particular time, until circumstances should give it a probability of success; when he would be ready to take it up or to receive it.

Mr. *Yelverton* thought there had been some design in the Speech to lead their imaginations away from this important object; it had, indeed, talked of Protestant Charter-Schools, making of roads, digging of canals, carrying of corn, and contained half a dozen lines that might be found in every Speech for fifty years past; subjects more proper for the enquiry of a county grand jury, than for the great inquest of the nation; but not one word of our trade to Portugal; that was designedly omitted. He therefore hoped the enquiry would be pursued untill full satisfaction was obtained for the nation.

Sir *Lucius O'Brien* said, he did not consider waiting until after the recess, as any very great favour granted to the Minister, especially as no business could be done until the House met again: he would however, request that some papers might be had in readiness, which would throw a light upon the subject.

THURSDAY, OCTOBER II.

The Speaker, attended by the Members, carried up to the Castle, the Address to the Throne; as also the following Address to his Excellency the Lord Lieutenant.

The humble ADDRESS of the KNIGHTS, CITIZENS, and BURGESSES, in Parliament assembled, to his Excellency **FREDERICK EARL of CARLISLE, LORD LIEUTENANT GENERAL, and GENERAL GOVERNOR of IRELAND.**

" May it please your Excellency,

" WE, his Majesty's most dutiful and loyal Subjects, the Commons of Ireland, in Parliament assembled, return your Excellency our most humble thanks for your excellent Speech from the Throne; congratulating your Excellency and ourselves upon your appointment to the government of this kingdom, which distinguishes a period peculiarly auspicious to Ireland.

" It cannot be doubted that a war extending itself over so great a part of the globe, and especially subsisting between us and those countries with which we otherwise should have much commercial intercourse, must have raised powerful obstacles to the encouragement of industry; but from the progress which our trade and manufactures have nevertheless made, there can be little doubt, that when the blessings of peace shall be restored, the substantial effects of those benefits which the wisdom and liberality of the British Parliament have lately communicated to this country, will be universally felt in the extensive diffusion of national employment and wealth.

" We cannot satisfy ourselves in expressions adequate to our sentiments of gratitude for the assurances given by your Excellency in his Majesty's name, of the royal determination to continue the most paternal attention to the increasing prosperity of this country, nor can we sufficiently thank your Excellency for the pleasure you express in the execution of these his Majesty's commands. We regard the measures which have conduced towards that prosperity, with the most cordial satisfaction, and, convinced that the true interests of his Majesty's kingdoms are, and ever must be inseparable, we revere the comprehensive wisdom and sound policy which seek their mutual strength and security.

“ We enjoy the highest pleasure in every addition to our gracious Sovereign's domestic happiness, and especially in the birth of another Prince, rendering the Protestant Succession more secure in the august House of Hanover.

“ Zealously solicitous for the honourable support of his Majesty's government, the safety of the kingdom, and the maintenance of the public credit, we will most chearfully make such provision for those necessary purposes as shall be suitable to the circumstances of our country, and the exigencies of the public service; and we shall consider what may be requisite to improve the management of our finances, and to give security and effect to the collection of the revenue; and we entertain a due sense of your Excellency's readiness to concur with us in such measures.

“ Your Excellency's benevolent desire to promote whatever may contribute to the advantage of civil society, cannot but receive the fullest acknowledgments; and we humbly thank your Excellency for calling our attention to the improvement of our manufactures, the encouragement of our trade, and the perfecting and enforcing of our interior police; in which last we should consider our deliberations of no avail, did we not firmly resolve by counsel, and by the more prevalent influence of example, to impress upon the minds of the people, becoming reverence for the laws.

“ We shall continue our attention to those seminaries of true religion and honest industry, the Protestant Charter Schools; as also to the encouragement of the Linen Manufacture, of Tillage, of the Fisheries, the Inland Carriage and Export of Corn, and other objects of national importance; in your Excellency's recommending which to our consideration, we see and acknowledge a fresh instance of your regard to the welfare of this kingdom, and we shall apply our utmost attention to the framing such regulation of the grants for these wise and benevolent purposes, as may effectually prevent their being liable to waste or misapplication. And we are sensible of his Majesty's paternal attention in not calling on us for any extraordinary supplies in this time of general hostility.

“ We behold with a spirit animated by just resentment, the unnatural and dangerous combination of enemies to which his Majesty's dominions are exposed, and we entreat your Excellency to assure his Majesty of our loyal and earnest disposition to give him every assistance compatible with our means and circumstances.

“ The general concurrence with which the late spirited offers of assistance were presented to your Excellency, from every part of this kingdom, and the manner in which they were accepted, must give universal satisfaction; they afford an uncontrovertible proof of mutual harmony between the crown and the people, and of a confident reliance upon the wisdom and uprightness of

the Chief Governor; nor can the public security be ever shaken while the strength and spirit of a brave people are directed by approved loyalty to their Sovereign.

“The repeated instances of your Excellency’s attention to the safety and prosperity of Ireland, claim our fullest confidence; and we trust that our conduct will evince that we have sincerely at heart, the happiness and honour of your Excellency’s administration.”

HIS EXCELLENCY’S ANSWER.

“Gentlemen,

“This cordial Address makes the deepest impression upon my mind, and demands my warmest acknowledgments. It is my ambition to enjoy your confidence; and you may be assured of my constant endeavours to persevere in that line of conduct, which has been already distinguished by your unanimous approbation.

“The representations I am to make to his Majesty, of your loyal attachment to his person and government, will give me the sincerest pleasure, and cannot fail of being acceptable to a Sovereign whose chief object is the happiness of his people.”

The Members being returned from the Castle, and the Speaker having taken the Chair, the public accounts of the several departments were ordered to be printed, and lie on the table for the inspection of the Members.

After this a conversation took place on the subject of adjournment; some gentlemen thinking that a recess from business to the 24th inst would not be sufficiently long.

Mr. *Eden* declared, that though in the station where he had the honour to stand, it became his duty to promote the dispatch of the national business as much as possible, consistent with the convenience of gentlemen, yet he would agree to accommodate them, by extending the adjournment to the 29th, which he thought was as long as the public service could admit. He called to their remembrance the inconvenience which had arisen in 1773, and the two succeeding sessions of Parliament, when, from the length of the adjournments, the return of the money bills was delayed ’till Christmas, which was the cause of very great inconvenience. This circumstance had suggested to him the propriety of adjourning to the 24th, but gentlemen wishing a more distant time, he would consent to prolong the recess to the 29th.

The *Speaker* took notice that very few bills were ever presented ’till towards the close of the session; that then, when many of the Members had retired to the country, bills came pouring in,

by which means they were often read in a thin House, and with so little attention, that great errors sometimes passed unnoticed; he therefore exhorted gentlemen to prepare and bring in as early as possible, whatever bills they designed for the public service.

Mr. *Yelverton* now rose, and declared that he was determined to profit by the excellent advice the *Speaker* had given the House. He gave notice, that immediately after the recess, he would move the House for leave to bring in heads of a bill to regulate the transmission of bills from this kingdom to England—at the present OUR CONSTITUTION WAS THE CONSTITUTION OF ENGLAND INVERTED.—Bills originated with the British Minister, and with this House it only remained to REGISTER OR REJECT them. This was the miserable state of Ireland, and in this state it would remain as long as a MONSTER unknown to the constitution, a BRITISH ATTORNEY-GENERAL, through the influence of a law of Poynings, had power to alter our bills. This, he said, was so generally admitted by every Member of the House, that last session, when he moved for a modification of Poynings Law, gentlemen urged, that though this power lay in the hands of the English Attorney-General, yet it was never exercised to any bad purpose; but the declaration was scarcely made, when an altered Sugar Bill annihilated our trade to the West-Indies—annihilate might be thought too strong an expression, but surely it injured it in a very high degree. To prevent, therefore, such an abuse in future, and to relieve the constitution from this oppression, he would again move for the bill he had mentioned.

The House adjourned to the 29th instant.

MONDAY, OCTOBER 29.

The House met, pursuant to adjournment.

The *Recorder* presented a petition from the Guild of Merchants, stating, that the great advantages which this nation was promised by a freedom of trade to all the world, were likely to prove merely imaginary, as from the present almost universal war, our commerce was confined to very few nations, and amongst them the kingdom of Portugal, from which the greatest hopes had been formed, had refused to receive our manufactures, quantities of which were now actually detained in the Custom-house of Lisbon; and praying the House to interfere for redress.

Sir *Lucius O'Brien* said, that if he had foreseen that this business would have been vested in such good hands, he would not have taken it up originally; he wished to have the business immediately proceeded upon; delay, he thought, would be productive of much inconvenience: He had already consented to a delay of three weeks (the recess) and he thought that another moment ought not to be lost.

Mr. *Eden* said he thought himself bound by the confidence the House had placed in him when he formerly requested to have this matter deferred, now to declare to the House the motives which induced him to think that some further delay might still be useful. He paid a compliment to the discreet and wise conduct of the *Recorder*, in thinking it sufficient, for the present, to lay upon the table of the House the petition of the Merchants, which he said, was worded in the most dispassionate and becoming manner. He added, that so far as the honour of the kingdom was concerned, no man would, in any proper exertion, be found more zealous than himself, but that the proposed discussion was premature and unnecessary:—It was premature, because ministerial negotiations were still undecided; and it was well known that his Majesty's Ministers, both at St. James's and at the Court of Lisbon, had given every possible regard to the business, and recently taken measures for its satisfactory conclusion. That the first intimation of any check given to the reception of Irish goods was made only in February last, and, as he had signified to the Merchants by letter, the last dispatch was transmitted to Portugal, from the British Minister, in September; and the interval between that time and the present, was too short to admit of a final answer from that court. It was an unnecessary discussion, he said, because if contrary to what we might expect from the candour, wisdom, and friendship of the Queen of Portugal, the answer should prove unfavourable, all further discussion would be idle, and it would remain for Ireland to exclude the Portuguese wines, so long as there should remain a partial exclusion of her manufactures. The subject, he said, was nice, and not so proper for the deliberation of a popular assembly, as for the ministerial intervention which was going forward. He wished, therefore, that the subject might be postponed; and though he was not disposed to pledge himself for a specific measure, or unforeseen circumstances, he would readily promise, at the proper period, to take the lead in the mode which might best vindicate the just expectations of Ireland, if those expectations should be disappointed.

Sir *Lucius* arose again.—From what Mr. *Eden* had last said, he understood, that if Portugal did not grant the redress demanded, it was intended to lay a further duty on her wines; this he did not think was a mode proper to be adopted, it was for ever cutting off our trade to that kingdom, and increasing taxes upon the subject. But he thought that granting the supplies for six months only, would be the most likely method of bringing the business to a happy issue. He was sorry to see the business conducted in a timid manner, and in the hands of persons not interested in our welfare, but with a secondary view, who at most would only promote it when it did not clash with the convenience of a neighbouring nation. He

even doubted whether they were acquainted with the foundation of our right to trade with Portugal. If they supposed it rested on the treaty between England and that kingdom in 1703, they were mistaken; he therefore thought Parliament should enter into an immediate investigation of the subject; that if the Minister intended to give a strenuous support, he might find himself backed with the whole weight of the Irish nation; but if not, every man would see what was intended by throwing difficulties in the way of the enquiry, and damping it with cold delay.

Mr. *Eden*, with some warmth, appealed to the House, whether he had appeared to throw any difficulty in the way of this important business; he trusted the House was satisfied of the contrary; he was far from wishing to procrastinate, but recommended only that discreet and dignified conduct, which was equally dictated by national wisdom and national spirit.—He said, the notion of his hunting out a new tax upon it, was too ludicrous to be answered;—That with regard to what had been intimated respecting a noble Earl, it was a suggestion utterly unmerited, that noble Earl being a true and steady friend to Ireland, having shewn himself peculiarly so upon the present occasion, and being in every instance incapable of making a distinction between the interests of his Majesty's kingdoms; that if by consulting the convenience of other countries, it was meant only to intimate that the Ministers were willing to proceed with caution, at a moment when we have the misfortune to be at war with all the commercial powers of Europe, and when every port from the mouth of the Baltic to the mouth of the Mediterranean is the port of an enemy, except those of Denmark and Portugal, we ought to be thankful for such caution, and not to admit any debate which might tend to weaken its effects.

Sir *Lucius*, upon this, declined proceeding further for the present, and fixed Thursday to bring in the question for appointing a committee.

Mr. *Eden* then informed the House, that his Majesty had been graciously pleased to return Thanks to their dutiful and loyal Address; which he read in his place, as follows:

“His Majesty returns his Thanks to the House of Commons for their dutiful and loyal Address, and considers their affectionate congratulations upon the birth of another Prince, as strong and expressive marks of their faithful attachment to his Majesty's person and royal family.

“His Majesty has the firmest reliance upon the dutiful declaration of the House of Commons, to grant his Majesty such supplies as may be adequate to the maintenance of the public credit, the honourable support of his Majesty's government, and the se-

curity of the kingdom. And his Majesty is persuaded of the disposition of his faithful Commons, to give every assistance which the circumstances of their country will allow of, towards the resisting and repelling the unnatural and dangerous combination of his Majesty's enemies.

“ The increase of the manufactures, and the extension of the commerce of Ireland, are considerations that afford the greatest satisfaction to his Majesty; and his Majesty's faithful Commons may rest assured of his Majesty's unalterable desire and endeavours, to promote the interest and prosperity of his loyal subjects of Ireland.”

Mr. *T. Burgh*, of Oldtown, said, his Majesty's paternal regard for this country, calls for every expression of gratitude and respect; that the pleasure which our Sovereign expresses at the prospect of our becoming a great and prosperous nation, demands on our parts the warmest declaration of duty and affection; he therefore moved, that a committee be appointed to draw up an address to his Majesty, for his gracious answer to the address of his Commons of Ireland.

Mr. *Latouche* presented a petition from the Refiners of Sugar; stating the great injury and decay of their trade in consequence of the low duty affixed to English refined sugars, on importation into this kingdom, and praying relief.

He said, that the unwise (and he was going to call it unjust) duty laid by the present Equalization Law, upon English refined sugars, had given the English manufacturers such a superiority over those of Ireland, that that branch of business was almost ruined; that this great city was totally supplied from England, whilst our own sugar-houses were deserted; and that if Parliament did not grant some redress, the people formerly engaged in that trade, would be reduced to total ruin. He therefore moved that a committee should be appointed to take the petition into consideration.

Sir *Hercules Langrishe* observed, that the matter would come regularly before the Committee of Ways and Means, where he doubted not it would be fully investigated.

Mr. *Foster* said, that he believed it would there appear, that the importation of English refined sugars, had been less since the passing of the Equalization Law, than in the same period of time previous thereto.

Mr. *Latouche* said, that circumstance was owing to a great stock of sugar being on hands when the law was passed, and not to the influence of the law itself; he, however, was willing to let the petition lie on the table, but reserved a right to reassume it when he saw convenient.

Mr. *Foster* moved the order of the day, "to take into consideration the Lord Lieutenant's Speech," which being read, he moved that to-morrow morning the House will resolve itself into a committee of the whole House, to consider his Excellency's Speech; to which the House agreed *nem. con.*

Sir *Henry Cavendish* observed, that about ten years since a law had passed for the more easily recovering money lent on mortgage; that he thought it in some points defective, and would wish to have it revised. He also observed, that in many cases the recovering of money due was a matter of the utmost difficulty—that the sheriffs were not *always* ready to execute writs—that they could not *always* be persuaded to find the effects of a debtor, though under their eyes—that they could not *always* be persuaded to find his person, though every day in public; and, therefore, he hoped the House would contrive a remedy for these effects.

The *Provost* said that he had the honour of introducing the bill respecting mortgages; that he thought it was generally allowed to be productive of very good effects; but if the Honourable Gentleman would point out an improvement, he would at any time be ready to confer with him upon the subject.

The *Recorder*.—I beg leave to call the attention of the House to a subject, which seems to me to be of the utmost consequence to the happiness of this kingdom, I mean the administration of its justice. For that purpose, after saying a few words to explain my intentions, I shall move you, that the Committee of Courts of Justice do sit the first Monday after the Christmas recess. I postpone it to that time, lest the ordinary business of this part of the sessions should be impeded, which is by no means my wish.

The first subject I mean to agitate upon that occasion, is relative to the Master of the Rolls, a character we hear of and feel, but not in his proper station—that of dispensing equity to his Majesty's subjects.—I have long been a witness to the abilities, patience, politeness, and integrity of the noble and venerable Lord who so worthily fills the first station in the Court of Chancery, and I am sure, that as far as in the power of one man, the business of that Court is ably transacted. But is it not highly unreasonable, that the venerable character I take the liberty to allude to, and the public, should be deprived of the assistance of so material an officer as the Master of the Rolls ought to be? Does not a great share of the business of the Chancery of England fall to the Master of the Rolls? We see that this country is rising in point of commercial consequence; if so, the agreements between man and man will increase, breaches of agreements will

more frequently occur, a further source of litigation will happen and of course, an increase of business in our Court of Chancery. I do not mean to injure the present Master of the Rolls; his convivial spirit, and the obligations he has conferred, have procured him many friends, who might think his enjoyment of the most lucrative place in his Majesty's dominions insufficient, without receiving something out of a kingdom which he does not condescend to visit. But surely it will not be improper to inform his Majesty, if a vacancy should happen, that this country stands in need of a legal and efficient character in the office of Master of the Rolls.

The next subject I mean to bring forward is of most serious moment to us all; it respects the Masters in Chancery. It is well known, that they are entrusted, at times, with very large sums of money and securities. It is to be believed, that constituted as they now are, they do not give security to the amount of one shilling. I know the present Masters, and do not mean to question their conduct, but we may not always have men of equal fidelity; and if some regulation is not timely adopted, there will some day happen a crash, and the legislature will, for its neglect, meet the curses of the widow and the orphan.

It would be improper to conceal from you, that I mean to bring into consideration the very inadequate stipends which our Judges receive. Precarious as their tenure is, yet surely they should be paid equal to the labour and trouble they are at. Yet, that the Benches are so well filled as they are, and the business so well done as at present, it is to me matter of astonishment; for when we look into the public accounts, and the expences of each Court, we shall find but a very small part of the expenditure imputable to the Judges. It is high time to make a more ample provision for men of learning, who devote their time and abilities to the public service, and no time can be so proper as the present, when there seems to prevail a general harmony and wish to promote the welfare of this country.

I shall also, before the same committee, propose some regulation respecting a part of the community whose time is extremely precious, I mean the Merchants of this city.—It almost constantly happens every term, that the Merchants of this city are summoned to attend on Juries at the hour of nine o'clock in the morning, and afterwards are not called on by the Court until one or two; and frequently at that hour are dismissed to a future day. This is highly disgusting to the man who considers punctuality as the life of business, and it is at the same time of the greatest inconvenience; for those hours which he mispends in the Courts, might be more properly devoted to the duties he is obliged to discharge. In England, if I am rightly informed, if a Juror attends at the hour

he is summoned for, and waits half an hour, he enters his name in a book, after which he may go away without fear of a fine. Some regulation of this kind must of necessity be adopted in this kingdom.

I have mentioned a few of the outlines of my intentions in wishing for this committee. Let me once for all declare, I do not mean to censure any person or any proceeding; I have no such idea in contemplation. I mean to conciliate advantages, not to excite resentment; and in so doing, I hope for the assistance of every gentleman, particularly the gentlemen of the long robe.—Many matters of reformation in our Courts, will occur to their minds, and I make no doubt but the wisdom of the legislature will provide for them.

I have not at present touched upon the Chancellorship of the Exchequer. It certainly is a grievance, that so great an employment should be enjoyed by an absentee, who does nothing for it. But as he could only sit with the Barons, and as that Court is so ably filled, especially in the person of the noble Lord who presides, I do not think the presence of the Chancellor of the Exchequer so absolutely necessary.

I shall, therefore, move you, that the Committee for Courts of Justice, do sit on the first Monday after the Christmas recess.

TUESDAY, OCTOBER 30.

Mr. *Fitzgibbon* brought in heads of a bill for the better regulating trials of contested elections.

The *Provost* said, that as the Master of the Rolls, the Attorney and Solicitor General, for the time being, were exempted from being of the committee for the trials of contested elections, he hoped the Honourable Gentleman who brought in these heads, would have no objection to include his Majesty's principal Secretary of State in that exemption.

Mr. *Fitzgibbon* replied, that he could not consent to the Right Honourable Gentleman's request, as he looked upon the employment in this kingdom, to be an office of no business; and as the Gentleman who now held the place, was so eminently possessed of abilities and real consequence, he should be sorry the House should lose so powerful an aid on such occasions.

The *Provost* said, he should submit his request to the indulgence of the House, at a proper period of the bill; for that the Honourable Gentleman was mistaken when he supposed it an office of no business.

WEDNESDAY, OCTOBER 31.

The House in a Committee of Accounts, *Monck Mason*, Esq; in the chair, examined the several documents of the national accounts, under their respective heads.

Mr. Grattan took notice, that in paper No. 1. the additional duties on raw sugars imported within nine months, immediately antecedent to April last, amounted to the sum of 18,965/. he therefore moved the committee to come to a resolution to that purport.

Mr. Eden said, that if by this the Honourable Member intended to ascertain the quantity of raw sugars imported within that period, he would find himself deceived in the method he had chosen, for the paper mentioned could only prove the sum actually received within that time, whereas sugars did not always pay their duty upon importation, but frequently at some distance of time after.

Mr. Parnell asked *Mr. Grattan* what was intended by the motion, and whether he meant to deduce any conclusions therefrom?

Mr. Grattan replied, that he meant only to assert the truth of the fact.

Mr. Parnell said, that false conclusions were oftentimes drawn from true positions, and that such would be the case if the present resolution was understood to define the great quantity of sugar imported.

Mr. Eden made a nice distinction—instead of saying that it appeared to the committee that the additional duties on raw sugar imported within the time mentioned, amounted to so much, he thought the committee might with more propriety say, that by paper No. 1, it appeared that the sum of 18,965/. additional duty on raw sugars, was RECEIVED within that time.

Mr. Foster thought it would also be right to ascertain the duty paid by refined sugars imported within the same period, but was of opinion that the whole sugar business would come better before the House together, as one great subject of enquiry.

Mr. Grattan said that a Right Honourable Friend of his, to whose judgment he paid the highest respect, had, the first day of the session, mentioned his intention of moving for a committee to enquire into the causes of the obstruction of our trade to Portugal; that upon being assured the most vigorous measures were pursuing, he had consented to put it off 'till after the recess, that on Monday last he had again taken it up, and seemed resolved to bring it on to-morrow, but that he found upon conversing with him, that he seemed to desert that resolution; and though he paid the utmost deference to the ability and integrity of his Honourable Friend, yet in this instance he must differ from him, and would himself

move to have the question brought before a committee to-morrow. He said that it shewed a shameful negligence to suffer our trade to lie for eighteen months, under such great difficulties, without taking any method of redress.

Mr. *Eden* rose, he said, to set the Honourable Gentleman right, merely with respect to the matter of fact, that the House might not receive a false impression. The first goods, he said, which were offered in the port of Lisbon, were in November; some irregularity on the part of the proprietors, caused delay, they were afterwards totally refused; this was not known officially in England 'till February, since when nothing had been neglected to settle it to the nation's satisfaction.

Mr. *Grattan* said he did not mean to censure a minister or any other person concerned in the business; he wanted only to investigate the subject; if a petition was presented from a body of mercantile people, on a subject of importance, a committee would be granted *of course*; when, therefore, it was refused upon so important a subject, it gave good ground for suspicion. It was eighteen months since the bill for a free trade had passed, yet still our trade to Portugal was obstructed; and if the House did not interfere, it was giving up in detail, every advantage we had gained. He desired to know why the Court of Lisbon was not immediately informed of such an important transaction? Why that court had not been furnished with our money bill, by which, in the duties on Portugal goods, we had purchased the trade to that country? And why was the British Consul at that court, reduced to the necessity of sending to England for a copy of that bill?

THURSDAY, NOVEMBER I.

Mr. *Grattan* moved, that an account of all the raw sugars imported during the last ten years, be laid before the House, specifying the quantity of each year, and also the quantity for the last three quarters of a year, ending in September, 1781.

Mr. *Beresford* observed, that the imports for the last fifteen years, might be seen upon the journals of the House; that the accounts were made up from one 25th of March to another; and that, if the Hon. Member insisted upon having the account made up to September last, circular letters must be written to all the out-ports, and returns made to the Auditor General's Office; which would consume more time than the Honourable Gentleman imagined.

Mr. *Grattan* gave up the point; but said, that as the Honourable Baronet who had promised to bring the Portugal business before the House, seemed now somewhat disinclined to pro-

ceed in that important affair, he would himself, though very unequal to the task, immediately undertake it. He lamented that the Honourable Baronet, whose reading, whose information, and whose knowledge of the business so well fitted him for the undertaking, should think of relinquishing it in the very moment that his ability was most wanted.

Sir *Lucius O'Brien* requested the Honourable Gentleman would allow him to speak for himself—he had no thought of relinquishing that matter; but he thought that too much information could not be had on a subject of such importance.—He had consulted every paper, every person, that could afford him information; yet still he hoped for something more from the assistance of many friends, in whose knowledge he had great confidence: He waited but for an opportunity of conferring with them, and then would bring this affair before the House; or would confide it to the Honourable Gentleman, if he chose to take the lead.

Some complimentary speeches then passed between the two Gentlemen, and Sir *Lucius* was persuaded to begin.

He went back to a very remote period, to prove that the kingdoms of Ireland and Portugal had at all times preserved a friendly connexion. He shewed from Rhymer's *Fœdera*, that so early as the reign of Dionysius, King of Portugal, and Edward the second King of England, and Lord of Ireland, a treaty had been solemnly entered into between the kings and subjects of both states, the basis of which is a mutual, free and uninterrupted commerce:—That from 1308, in which this treaty was made, to this time, it had been often renewed; the subjects of the King or Lord of Ireland always included. That warranted by this treaty, the people of Ireland had always carried on a traffic with Portugal, upon the most favoured footing. That in recompence for this indulgence, and seeing the importance of the Portugal trade of this nation, Parliament had favoured the importation of Portugal wines, by laying one third more duty on those imported from France.—That where the wines of Portugal were wont to pay 3*l.* those of France paid 4*l.* 10*s.* and that by this the importation of port wines was very much encreased; that last session the Parliament having considerably raised the duties of both, though the relative proportion of each was preserved, the court of Portugal not understanding the matter had taken offence, though in truth it could not affect that country, but had only the operation of an internal excise on ourselves. That in consequence of this, their Ambassador had declared, that not a yard of our woollens should be received.—He then went on to shew, from a multitude of letters to and from sundry merchants and factors, that our goods were actually stopped at Lisbon, and in some cases ordered to be re-shipped. He then gave a full account of the steps which

have been taken to procure redress, in which he professed the highest confidence in the Lord Lieutenant, the Earl of *Hillsborough*, and Mr. *Eden*; and fully approved the measures they had taken, but thought that no mode could be so powerful as the House going into a committee, getting every information, and laying it before the King in form of a dutiful address. He did not like the business lying in the hands of the Minister of a people who thought it their interest to restrain our trade. He said that much of our suffering was owing to our want of a proper navy to defend our trade. That we could have no benefit from commerce 'till one was established. That 'till then every paltry, petty maritime state would presume to insult us. That Portugal wanted us to give up the aliens duty, as she thought us now in no situation to enter into a contest; and that before our free trade we had some trade to Portugal, but now we have none at all. He said he thought that notwithstanding this attack, we should rather try to shew the court of Lisbon, that friendship was our mutual interest. He abhorred the pitiful revenge of retaliating, by taxing their wines; and concluded that this business could not be too soon entered upon, as the landed interest and manufactures of Ireland were both suffering. That for his own part, he had lost 1000*l.* last year, by wool falling from 17*s.* 6*d.* to 10*s.* per stone.—These are some of the principal outlines of a speech which must have cost Sir *Lucius* great application and labour, and which took up much time to deliver.—He moved “that a committee be appointed to take into consideration the trade between the kingdoms of Ireland and Portugal, to ascertain how far that had been established according to the laws of nations, and to investigate whether that trade has received any interruption, and what methods, consistent with the dignity and interest of Ireland, can be pursued to put it on a proper footing.”

Sir *Michael Cromie* said, he did confess that he had taken all the pains in his power to be well informed upon that subject, and that he had arranged a few ideas, which he flattered himself were not unapplicable to so great a question; but finding that the debate was likely to extend itself to an unusual length, he would not then obtrude himself longer upon the patience of the House, than whilst he endeavoured to impress a single idea; which, if he had not many other reasons, must alone direct the vote which he should give upon that occasion.—He said, he did conceive from what had fallen from the Right Honourable Gentleman upon the floor, that the committee of enquiry into the trade of Ireland with Portugal, which was moved for by the Honourable Baronet, was only to be postponed, not denied. Postponed, he said, for the wisest and best purposes; he should, therefore, oppose going into that committee, as being premature.

Mr. *Corry* said, that it was some consolation that the House, which was now for the first time this session divided in opinion, upon such an important question, was not divided in opinion whether every effort should be used to serve this country, but merely as to the point of time; whether now entering on the business, or deferring it a little, was most likely to be crowned with success; for his part, he doubted much the propriety of now entering on the question, and his doubts were much increased when he perceived the two Honourable Gentleman (Sir *Lucius* and Mr. *Grattan*) were not agreed between themselves. He thought that any rash or hasty resolutions, which might give offence to the court of Lisbon, should be carefully avoided; that the matter was in a safe and happy train, if not unwisely interrupted; that no imputation of delay had been, or could be thrown upon the Lord Lieutenant, Mr. Secretary *Eden*, or Lord *Hillsborough*; that the affectionate attachment of that noble Lord to Ireland, was too manifest to be for a moment held in doubt. He was himself an Irishman, partial to the merits of his countrymen, his pleasure, his pride, was to exalt them into notice; his life had been spent in improving and embellishing this country, and it was well known that the express condition on which he accepted of his present high office, was, that all restrictions should be removed, and that Ireland should have a full and free trade to all the world.

Mr. *Fitzgibbon* said, that if he thought by waiting a little time any injury could arise, he would be as forward as any Gentleman in that House to enter immediately upon the business. The Honourable Baronet, he said, had bestowed infinite pains, had shewn the deepest erudition, and undergone the greatest labour, to lay before the House proofs of what no man would deny. That our goods have been detained in Lisbon we know, that they ought to be received we know, and that the King's Ministers are doing their utmost to promote their reception we know; but the doubt remained, whether their exertions would not be assisted by parliamentary interference; for his part, he thought not; all negotiation he thought by our constitution should be ministerial, though sometimes Parliament had interfered to ratify or to reject. It appeared from the papers the Honourable Baronet had produced, that no neglect or delay could be imputed to Ministers, and therefore, we should rather wait a little longer, than recur to the idle expedient of bombarding Lisbon by an Irish Navy. He thought that some confidence ought to be placed, some latitude of discretion given to a Minister (Mr. *Eden*) who, in so manly and liberal a way, had come forward and assured the House of his determination to support this nation's rights with his utmost power; that, for his part, he would place a becoming confidence in him, 'till he should do some act to forfeit it.

Mr. *Bushe* pressed the motion on the same ground Sir *Lucius* had taken; he said it was but for a Committee of Enquiry; that from what had fallen from the learned Baronet, the House had received much information, and from the matter that would come before a committee, the House would receive greater information still; and that by this the nation might hope for that redress which it could not expect from an English Minister, surrounded with English monopolists.

Mr. *Gamble* said, it gave him a very bad opinion of patriots, when he saw opposition could find no other ground to stand on than the present question; that when he saw an Honourable Member urging the Honourable Baronet who moved this business, while even in the Baronet's own opinion it was premature, and when he heard him compliment him so very liberally to induce him to comply, it called to his mind a well-known Latin sentence.—
“*Fistula dulce canit volucrum dum decipet auceps.*”

Mr. *Yelverton* said he would have contented himself with giving a silent vote for the motion, if he had not thought it incumbent on him, from what had fallen in the debate, to declare, that he placed the most unlimited confidence in the sincerity of the persons concerned in the negotiation, particularly the Earl of *Hillsborough*; that nobleman, who was attached to this country by interest as well as inclination, had ever manifested the utmost zeal to promote its welfare. He thought also, that his present Excellency, and Mr. *Eden*, deserved the highest credit for their free communication to the House, of the negotiation carrying on, as well as for opening an intercourse with our mercantile people, and shewing an attention to their interest, heretofore unexampled; but still he thought the enquiry might do some good, and could not be productive of any mischief; and suggested that as the American colonies formerly kept agents in the different courts of Europe, to watch over their affairs, the same method might with advantage, be pursued by Ireland.

Mr. *Parnell* said, the Gentleman's arguments tended to disunite the King and Parliament; that the committee proposed, was inadequate to the purpose intended, as they could not instruct the Ministers, and that the interference of Parliament, where treaties of commerce were in question, was unprecedented.

Mr. *Forbes* declared, that at the opening of the session he had flattered himself he should have been enabled to support the present administration, but their having thus early shewn themselves, alarmed him, and he feared their declaration that they had nothing to ask, was only, in other words, “if you do not attempt to do any good, we will do you no harm.”

When I find, continued he, that the Portuguese, against their interest, refuse to trade with Ireland, I suspect something at bot-

tom ; especially at this time, when the court of Portugal is in the greatest amity with Great-Britain ; a moment of gratitude for England's having given free entrance to the produce of the Portuguese plantations.

This is the time, continued he, for settling commercial affairs : Britain, engaged in a war with a great part of Europe, and the remainder leagued against her under the pretence of an armed neutrality, has abrogated or suspended all commercial treaties, which must be renewed or revived.

Mr. *Toler* said, such a parliamentary enquiry was unprecedented ; that the Crown was the general anchor to which all the empire was attached, and for his part he would never slip his cable.

Mr. *Ogle* said, that the Secretary of a Lord Lieutenant could not readily divest himself of the prejudices of an Englishman, but when he came here to do the nation's business, must ever be supposed to *cast a longing look behind* ; that, therefore, it behoved us carefully to guard what England gave with so much reluctance.

Mr. *Eden* said, that the Honourable Baronet who opened this business, had gone into an extraordinary length of detail on a variety of points which there was not, at present, any occasion to discuss ; that, however, he had proved two points to the satisfaction and conviction of the House—the one, that Ireland has an indisputable right to the object contended for—the other, that the final assertion of that right, had been transmitted from the court of St. James's to that of Lisbon, so recently as the 10th of September, and, consequently, that the result of the actually existing negotiation might, without any imputable delay any where, not be known in Ireland before the end of December.—Mr. *Eden* said, that both these points concurring with his original sentiments upon the subject, he remained more decided than ever to resist any present parliamentary measure, as being both unwarranted and inexpedient : And lest the manner in which he had pledged himself, should be mistaken, or mis-stated, he once more repeated, that when the proper time should come, if unfortunately such a time should ever come, he was willing to be as forward as any man, or, if allowed that honour, the foremost in taking such measures as Parliament, upon due consideration, should deem to be most effectual.—He next adverted to two expressions which had fallen from two Gentlemen, (Mr. *Bushe* and Mr. *Ogle*) who spoke with so much ability and nobleness of mind in other respects, that he was concerned to hear from them positions which he thought utterly unworthy of them. One of the Gentlemen had said, that Ireland had extorted her Free Trade from England.—This, said he, I deny—it was not so—I know that it was not extorted from me.—There can be no rape where the party is perfectly willing—I do not believe that it was extorted from the Parliament of Eng-

land, or from the people of England. Those who shall hereafter read the history of the last five years of England, will not be easily persuaded that England was a nation to subject herself to any extortion from any people on the face of the globe.—England gave the Free Trade, because the enlightened policy of modern times had convinced her legislature that it was just and wise to give it.—The other Honourable Gentleman was pleased to attribute the present interruption of our trade with Portugal, to the influence of some cabal among the British merchants. He knows little of the liberal spirit which at this age characterizes the British merchants; some of them would smile at the aspersions, others would feel indignant at it; but then they would, in general, lament it. I do not say this as an Englishman, or as a Member of the British Legislature—I look down with contempt upon such paltry and pitiful influences—I say it as a Subject of the King of Great Britain and Ireland, and as wishing to conciliate affection and confidence between two kingdoms, the interests of which, to use the words of the Speech, are, and must ever be, inseparable.—I say it, as bearing a principal part in a Government, on the fair fame of which the future character of my life depends. *My longing look* is cast before me, and not behind, towards England, either in this or any other instance, otherwise than to look for the mutual interest of the two islands.

He was followed by Mr. Grattan, who placed the question in a variety of new lights, and declared that though the Crown of Ireland was inseparably annexed to the Crown of England, yet the King of England had no right to rob the King of Ireland of the brightest Jewel of his Crown, (his trade) to embellish that of England. He made some severe observations on the practice of adulating Ministers and Lord Lieutenants while in office, but abusing them when no longer in power; and said that when the first attempts were made, in the British Parliament, to enlarge our trade, that very Minister who now promised so much attention and friendship, was one of the very persons, in 1778, who opposed us, and that he declared himself the exclusive champion of British merchants, who from the revolution till the present day, were uniformly contending for a monopoly in favour of England; and that he was neglecting the interests of the merchants of Ireland whilst he shewed himself an enemy to an enquiry of so much importance.

Mr. Eden said the Honourable Gentleman had no right to assign motives for his conduct, in the English Parliament of 1778, as he happened at that time to be on the Atlantic or in America; he had no right to intimate that he gave any exclusive encomium to the merchants of England, he vindicated them, indeed from unmerited aspersions; but that from every experience he had had

of the Irish merchants, he was bound to an unremitted anxiety for their interests, to respect for their characters, and to gratitude for their favour; lastly, he had no right to say he was an enemy to this enquiry, he only opposed it at present, during an undecided negociation, as premature, imprudent, and most likely to be pernicious to the mercantile and public interest of Ireland.

Mr. *Hussey Burgh* said the question before the House was of greater magnitude than most gentlemen imagined, and involved no less than the very existence of the trade of Ireland. It had been mentioned by some gentlemen, early in the debate, that it was unprecedented for Parliament to interfere in questions of commerce and negociation: What was the great question that displaced the famous Walpole, but a parliamentary enquiry respecting the capture of English ships by Spanish cruizers? What but a parliamentary enquiry had abrogated the 9th and 10th articles of the treaty of Utrecht?

The Right Hon. *Henry Flood* said that when he had quitted the House last session, he had left them the most dignified and virtuous assembly on earth; he expected now to find them such. That the question before them, of an enquiry into the Portugal trade, was, in his opinion, one that deserved the most serious consideration; the enquiry had his concurrence, but he differed, perhaps, with most Gentlemen in the House; he thought it inadequate, and that an address to the Throne directly, would have much happier consequences, as his Majesty, who wished the happiness of his people, would not fail to procure them the redress they wanted.

The *Attorney General* said he was surprised to see gentlemen in such a violent hurry to quarrel with Portugal, the only friend we had in Europe; that the House might trust itself for a little month, nay, perhaps a week, to hear the answer of that country; that resentment would come time enough when offence was certain; but how disgraceful would it be, if after some violent resolution passed by the House, notice should come that our affairs in Portugal were amicably settled.

Mr. *Flood* rose again, and said, the fate of the nation depended on the present motion; and that they should not trust any Minister that countenanced a perpetual Mutiny-bill. That they would be execrated by posterity, if they abandoned the present motion.

Mr. *Mason* answered those parts which related to the points before the House; and the question being put, there appeared

Ayes,	—	—	44
Noes,	—	—	117

Tellers for the ayes, Mr. *Grattan* and Sir *Lucius O'Brien*.

Tellers for the noes, Mr. *Fitzgibbon* and Mr. *Parnell*.

FRIDAY, NOVEMBER 2.

After the Committee of Accounts adjourned, several papers were called for, and petitions presented.

Upon a motion that Mr. *Eden* should be added to the committee appointed to prepare heads of the Habeas Corpus Bill, Mr. *Eden* arose to explain his sentiments on the subject. He run shortly into the nature of the British act of Charles the second on the subject; and to the parts that were necessary to be adopted here. He said that from the usage of Ireland, which was the common law of the realm, and from the conduct of the Judges, the Habeas Corpus was in operation here, though not under the authority of statute; and that he should be happy in having that security to our liberties established by a positive law, which only depended upon the force of custom; he was the more desirous to be joined with the committee for introducing this bill, as he understood that the Honourable Baronet who moved for it had introduced a clause, granting a power to suspend its operation in cases of actual rebellion and invasion in Great-Britain or Ireland; such a clause, he thought, of real benefit and advantage to Ireland, and with the annexation of such a clause to the bill, he would give it his support, and hope for its final success. He congratulated the able and learned *Recorder* upon his bill. He would not tear the laurel from his brows; he had won, and entitled himself to wear it; he would only endeavour to preserve its leaves from fading.

Mr. *Forbes* objected to the idea of such a clause, as highly unconstitutional, and as delegating the rights of Parliament to another body; which was done by the Mutiny-bill; which bill, for that reason, amongst others, he had so strongly opposed. The Honourable Gentleman, he said, had offered to support an unconstitutional Habeas Corpus Bill, but he said nothing respecting a Judges Bill, which was of as much consequence.

Here he was called to order by Colonel *Conyngham*, which produced some little altercation; when Mr. *Grattan* got up, and falling into the same error, was called to order likewise.

Mr. *Grattan* soon after arose as upon another subject, but only adverted to a part of the debate of yesterday, in which he had said that Mr. *Eden* had opposed the enlargement of the Irish trade, in 1778, and he brought a paper to prove it, viz.—A resolution of the British House of Commons in March 1779, when the Commissioners were returned from America.

Mr. *Eden* endeavoured to reply, but was called to order; but it being the sense of the House that he should proceed, he said, that, if it were allowed to animadvert upon every part of the debates of a former day, no debate would be at an end, and the

worst inconveniencies would follow ; as, however, leave had been given to the Honourable Gentleman to criminate him, he thought he might, at least, be allowed to answer in defence. He would only say, that it was a very strange way of proving that he had opposed the Irish trade, in 1778, because he returned to England from America, in 1779 ; but that, if it was necessary, he would prove that he was not in the House of Commons at that period, in 1779, to which Mr. *Grattan* had alluded, and at which time that Gentleman had asserted he had appeared an enemy to the commerce of Ireland.

Mr. *Grattan* rising to reply, was called to order, but reluctantly yielding, much confusion arose.—Many Members spoke to order.—The Speaker called to order.

Mr. *Eden* expressed his wishes that more order could be observed.

The *Speaker* said, it was only his duty to call the House to order, when they were proceeding wrong, but it was the business of the House to enforce it. He appealed on this ground to Mr. *Eden* ; who spoke in the highest terms of the Speaker's conduct, and paid him every compliment for the wisdom, the ability, impartiality, and spirit of his behaviour in the Chair.

Mr. *Grattan* still attempting to proceed, and to speak upon the subject of the Judges Bill, which was not before the House, Mr. *English* called him again to order, with some acrimony of expression ; but Mr. *Grattan* persisted in proceeding, when Sir *Boyle Roche*, called him again to order, and observed that he made use of language that was totally unparliamentary.

Mr. *Grattan* immediately turned towards Sir *Boyle*, and exclaimed,
 “ Thy gallant-bearing Harry I cou'd 'plaud,
 “ But that the name of *Bravo* stains the soldier !”

Upon this, Mr. *English* cried out that the Honourable Gentleman was not to be borne with.

Mr. *Grattan*, attacked on all sides, felt himself hurt, and was thrown off his guard.

Sir *Boyle Roche* whispered him ; the House took the alarm, and as is usual on such occasions, was cleared ; when the Speaker called the Gentlemen to him, and insisted that the matter should subside ; which they promised.

SATURDAY, NOVEMBER 3.

Mr. *Foster* presented a petition from a company which has undertaken to establish a manufactory of catguts, gauzes, &c. &c. amongst us. He said that the company had already brought over forty seven persons from Scotland, well skilled in fabricating those

goods; that they had actually at work no less than ninety looms, and that if it was considered that so large a sum as 200,000*l.* was annually sent abroad for those articles, he doubted not but Parliament would think the undertaking worthy of encouragement.

Sir *Henry Cavendish* moved that the revenue accounts should be printed.

In this he was opposed by Sir *Lucius O'Brien*, who observed that it might tend to impress a false notion of our wealth and the benefits derived from our trade with other countries; that goods exported were, by the policy of this and most other states, exempted from duty, while those imported were heavily taxed; thus the merchant was in the first case tempted to gratify his vanity at the expence of truth, by entering his exports in the Custom-house books much beyond their quantity, as was notorious in the linen branch; and in the other case his interest inclined him to enter as little of his import as honesty would permit.

Right Hon. *John Foster* said, that as the accounts were already on the table, and at all times open for the inspection of the Members, he thought that printing them, and letting them go abroad into the hands of strangers, would be as indiscreet an act in that House, as if a merchant whose books were kept with the utmost regularity, should take it into his head and have them printed, and let all his cotemporaries into the secret of his trade.

The House adjourned until Tuesday.

TUESDAY, NOVEMBER 6.

Several petitions were presented; and amongst them, one from Captain *Brooke*, brought in by Mr. *Hussey Burgh*. The Captain, he said, was the first person who, from a motive truly patriotic, had attempted to benefit the nation by the LATE GLORIOUS EXTENSION OF ITS TRADE. In this, he had a tenfold merit, being a Gentleman of easy fortune, quietly settled in the country, and having no temptation to risk his property in the hazardous undertaking of manufactures, but his zeal for the national prosperity. That his conduct in that pursuit was as generous, as the undertaking was noble; for, totally divested of the narrow spirit of monopoly, he had established a manufactory for the MACHINES used in the various and extended branches of the Cotton, Linen, Silk, and Worsted business, which he had undertaken; and to this manufactory of machines every Artist was at liberty to repair, to inspect, or purchase any MACHINERY necessary to his own business. Mr. *Burgh* then proceeded to shew the great works which Captain *Brooke* had constructed for his extensive manufactories—a handsome town built by him near the Grand Canal, and many

other improvements equally useful to the nation, and expensive to himself.—He concluded by declaring that though the Captain was worthy the highest public favour, it was not emolument he sought, but the approbation of the people's representatives, the approbation of that House. It was referred to a committee.

The *Recorder* presented a petition from the Merchants of Dublin, praying that Parliament would equalize the duties payable on the importation of refined sugars. He said that in his opinion, referring it to a Committee of Ways and Means would be the usual mode of giving the fairest investigation, and would be *most satisfactory to the petitioners, who had desired it*.

Mr. *Forbes* opposed the idea of sending it to the Committee of Ways and Means; he thought a special committee appointed for the sole purpose of enquiring into this complicated subject, was the proper mode of giving satisfaction to the petitioners and to the nation. He declared, that when last in London, he had conversed with one of the most eminent sugar bakers there—a man whose sentiments on this subject, he found more liberal than those of the Irish legislature; far from that monopolizing spirit imputed to the English merchants, he had refused to join in the petition against our duties as at first established. He feared that it was intended to hurry this business forward, by blending it with the other great affairs which came before the Committee of Ways and Means; and therefore he ardently wished to refer it to a special committee.

The *Recorder* came over to Mr. *Forbes's* idea.

Mr. *Mason* said that if the Honourable Gentleman who now opposed referring the subject to the Ways and Means, had attended it in the last Committee of Ways and Means, he would not now oppose its going thither, as he would know that that was the place in which it was likely to meet with the greatest justice.

While Mr. *Mason* was proceeding, some noise of coughing and spitting proceeded from the gallery. He raised his voice, and with becoming spirit declared, that such ruffian-like behaviour was not to be borne;—that the attacks which had been made upon his good name, in public prints, he could despise, conscious that they were the unsupported efforts of malice; but he would never permit a ruffian rudeness to interrupt the order and decorum of the great national assembly; and whenever he heard the slightest murmur that could interrupt the deliberation of that House, he would immediately have it cleared; and that if such indecency was attempted again, it should be his first business every day that he entered the House.

The Right Honourable *Henry Flood* most vehemently opposed the idea of sending this business in the first instance to the Committee of Ways and Means; he urged the necessity of a special commit-

tee, whose report might methodize and arrange the information necessary for the Committee of Ways and Means; but he feared it was intended this session to pilfer from the nation that Free Trade which had been granted in the last, else why refuse to investigate the subject in a special committee, whose report might stand as a record in the face of the land, and shew the people that it was intended to deal honourably by them. The subject last year had been long discussed in the Committee of Ways and Means, but as that committee makes no report, there remains no record of their opinion. He lamented, with Mr. *Mason*, the illiberal and brutal treatment that public men often receive; that it was the portion of every one who devoted himself to the public service; he himself had experienced it; but the best way to avoid it was by doing justice to the nation, which though sometimes mistaken, seldom fails to bestow her good opinion upon the deserving.

He was answered by the *Attorney-General*, who said—As I think the petition, both from the importance of the subject, and from the names of the persons who have signed it, deserving of the utmost attention and respect, I am determined to give it an open, fair, and constitutional investigation, by sending it to the Committee of Ways and Means, to which as a matter of money regulation it of right belongs; in doing this, Sir, I am persuaded, I shall act according to the wishes of the *Merchants*, according to the wishes of the nation, by referring it to a committee of the whole House, armed with all the power the House can bestow, a committee that sits openly, under the eyes of numberless spectators; we demonstrate to the LAND that we are determined to do our country justice, and it is obvious that a special committee, meeting in some obscure chamber, hid from the eyes of the people, and obliged ultimately to report to the committee of the whole house, the ways and means can only be intended as a drag to hang upon, and embarrass the motion of Parliament in their progress to procure the nation redress.

Mr. *Eden* said, that it appeared to be the unanimous wish and intention of the House to give the petition the fullest and fairest examination and discussion, and he would for himself say, it was his most determined and anxious intention to do so.—This examination he thought could be only given in a committee of the whole House, and that committee being a Committee of Ways and Means, it was his opinion that the matter should be referred thither. If the business were referred to a special committee, that committee would sit so early, that it would be impossible for *him* to attend it, and he should think it very hard, indeed, if he was to be forced to decide upon evidence, which he could not have the opportunity of hearing, or the power of examining or controverting. Every man knew, that in his situation it was impossible

for him to give his attendance to morning committees, and it was on that account he opposed the motion, that he himself might assist, in giving justice and satisfaction to the nation upon so contested a point. He then analyzed his expression of justice and satisfaction; by the former he meant, that full and compleat investigation of every part of the subject which was demanded; by the latter, that producing of evidence and proofs, which would convince the kingdom that the procedure of the House upon the point was not injurious to the interest of the nation.

Mr. *Burgh* said, he was content the petition should be referred to the Committee of Ways and Means, if he could be assured by the Minister, that that committee should sit long enough for that purpose.

Mr. *Eden* said, it would be very unparliamentary in him to say how long a committee should sit, or not sit, but as it would be absurd in him if the matter could be discussed in forty-eight hours, to keep it open a moment longer, so were it necessary that it should last for forty-eight days, he should think himself bound to prevent its closing.

Mr. *Burgh* then said, that as he could not be secure that there would be sufficient time for discussing the subject in the Committee of Ways and Means, he should object to its being referred thither; for, he said, it must first be referred to the Committee of Supply, which cannot consider it at all. Then what are you doing? In order to discuss the matter *fully*, you are referring it to a committee which cannot discuss it *at all*; and in order to discuss it *immediately*, you are referring it to another committee which perhaps may *never sit*. Contrary to the maxim "*non fieri per plura quod fieri potest per pauciora*," you refer this business to two committees, one of supply, and one of ways and means, instead of a special committee, which we wish; and prefer a complex to a simple mode of treating the question, in order to deceive and impose. Such a measure can never do justice, nor create satisfaction.

The *Provost* spoke both to points of order, and the general question; he settled several points of order, and shewed many ways of arranging the question, so as to take the full sense of the House upon it. With regard to referring it to the Committee of Ways and Means, he said, that reference was improper, as that committee was not yet appointed; but the petition might lie on the table 'till that committee should sit, or be referred to the Committee of Supply, and thence referred again to the Committee of Ways and Means; that this method was parliamentary, in order, and usual; that it was nugatory to refer it to a special committee, which could not decide upon the matter; and that it was introducing two committees when one was suf-

ficient; that the reports of two committees might be contradictory, and thus harrafs the judgment of the House; and that if the Committee of Ways and Means were not to proceed 'till the special committee reported, such delays and artifices might be used, as to hinder the one from reporting, or the other from proceeding at all.—He was, therefore, against Mr. *Forbes's* motion.

Mr. *Yelverton* said, the question is, whether you will refer it to a committee which can examine the business, or a committee that cannot? To a committee that can report upon the business, or a committee that cannot? In a committee of supply, we can neither discuss, nor report on the question: In a special committee we can do both. If the House wants, and if Ministry wish to give the subject a full investigation, shall we refer it to a committee which cannot be appointed for some time, when appointed can only sit for a few days, and is distracted by variety of other business, or to a committee which may sit immediately, continue for any length of time, sit any number of hours which is requisite, and be confined to one business only? He was, therefore, for a special committee.

Mr. *Corry* spoke very strenuously in its favour.

Mr. *Ogle* was particular for a special committee.

There were many other gentlemen who rose in debate, Mr. *Tighe*, Mr. *Morres*, Mr. *Ponsonby*, &c. but only to points of order.

The business of managing the question was transacted mostly by Mr. *Beresford* and Mr. *Flood*, who both discovered much acuteness, ingenuity, and parliamentary knowledge.

Upon a motion that the Merchants Petition be referred to the Committee of Supply, in order to receive a particular and solemn investigation, the numbers stood thus:

Ayes,	—	—	111
Noes,	—	—	43
Majority,	—	—	68

WEDNESDAY, NOVEMBER 7.

Mr. *Foster* moved, “that the House will to-morrow resolve itself into a committee of the whole House, to take into consideration the granting a supply to his Majesty, and also his Excellency the Lord Lieutenant's Speech.”

Mr. *Grattan* desired to know from the Honourable Gentleman at the head of administration, what was the plan of government

with regard to the supplies; he said that it had been customary to give the House this information, that it had been done in Earl *Harcourt* and Earl *Buckingham's* time: He would not insist that the question was formal, but was certain it was usual.

The *Attorney General* said that he ever endeavoured to manifest the utmost candour and plain dealing, as the best apology he could make for confined ability, and as the easiest means of obtaining what they most earnestly desired—the fair and open dispatch of the necessary business of the state—and that to-morrow he would bring it forward in a manner that he trusted would give general satisfaction.

Mr. *Flood*.—I am astonished and concerned to think that it is intended to go into a Committee of Supply till after the national accounts have been some time upon the table, for the inspection of every Member. From the Speech delivered to this House, I was taught to hope that no extraordinary supplies would be demanded, but I have since heard of *demands*, which if persisted in, will demonstrate that the destruction of this nation is resolved upon; and it behoves Administration, if they would not confirm this opinion, to bestow at least one day on the state of the nation; and if no other gentleman will undertake the task of enquiring into the state of the nation, I myself, however unequal to it, do pledge myself to bring it forward to-morrow.

The *Provoist* said, that as on any one day during the session, any gentleman might move for the Committee of Accounts to sit, there could be no reason for delaying the Committee of Supply, because the Committee of Accounts had but just closed, and he thought it would but ill accord with the desires of the nation, and the professions of the Right Honourable Gentleman, to gratify those desires, to delay the meeting of that committee, consequently of the Committee of Ways and Means, which was charged, besides other matters, with a solemn investigation of the sugar business.

The question was put, and carried without a division.

THURSDAY, NOVEMBER 8.

The House met at three o'clock, but did not go upon any business for one hour, the Right Hon. *Henry Flood*, who had given notice the day before of his intention to make some motion previous to entering into the Committee of Supply, not being present. When that gentleman came,

Mr. *Foster* called upon him to declare his objection to the House entering into the Committee of Supply.

Mr. *Flood* said he had not any particular motion to make, but only a few propositions to offer on the state of the nation, proper to be considered before the Committee of Supply was gone into.

Mr. *Foster* answered, these might be considered in the Committee of Supply.

Mr. *Flood*.—I am embarrassed in no small degree on this occasion. It was late yesterday evening when I undertook this business, since which I applied to the Hon. Gentleman who is Chairman to the Committee of Accounts, for information that might direct me in the state of the nation that I intended to lay before the House, for from the accounts it was difficult for me to digest these matters. I will, however, in as short a manner as possible, glance at the state of the nation, and then trouble the House with a few observations, that I hope may put matters in a train, by adducing some striking facts.

In private life, when a man intends seriously to look into his affairs, he considers in the first place what proportion his expences bear to his income; in public matters the case is similar; how necessary, therefore, is it to investigate them?

Before the last great war but one, the debt of this nation amounted to 371,000*l.* and in a few years after the peace of 1748, it was liquidated, or at least very much reduced. At the end of the last glorious war, our debt was 520,000*l.* the largest one ever contracted. It was natural to expect, that in the years of peace that succeeded, this debt would have been discharged; that unhappily was not the case; this ill-judging country, in this very time of profound peace, went on borrowing until it amounted to 780,000*l.* and in 1773 it amounted, including funded and annuity debt, to the enormous sum of 1,757,000*l.* since which 610,000*l.* have been raised; and now there are 300,000*l.* more wanted to be borrowed, to make good an arrear. Thus, in four years, we shall have run in debt 1,200,000*l.* Does not, therefore, the amazing and ruinous rapidity of this accumulating debt, shew the absolute necessity there is to stop its progress?

The produce of the duties for the ten years,	}	£.
ending Lady Day, 1761, was		
The ten years, ending 1771,	—	900,000

Since which time, though we have been accumulating taxes on one hand, and debt on the other, the revenue of the kingdom in the ten years, ending last Lady Day, has only risen to 920,000*l.*

If the net revenue is, as it appears now, less than it was in 1779; if you are run so enormously in debt now that your military establishment is eased of 4000 troops, by which you have saved in the last four years 300,000*l.* where can this end?

Let us then endeavour to account for the deficiency in the revenue, to equalize the expences of the nation; the first cause

was the encreased expence of the military establishment, without the addition of a single man after the last peace. It was indeed proposed to make the army on this establishment 18,000 men, but that proposal was rejected. What would our debt be now if it had been accepted, since, without such an addition, it is so great? I was one of those who complained of the augmentation in Lord *Townshend's* administration.

The next administration, in order, as they said, to put an end to this scheme of running in debt, proposed new taxes to the amount of 80,000*l.* they were agreed to, but the remedy proved ineffectual. How then are we to go on? Must we perpetually borrow? Great Britain borrows, but she can support it; but even Great Britain has not done it since the end of last war in the proportion we have; for she has only encreased her debt one-fourth, whereas we have quadrupled ours.

I should not oppose entering into the Committee of Supply at this time, if I found administration had any digested system; but they have none: I am of opinion, therefore, it would be necessary, previous thereto, to enter into the state of the nation; and as there is to be a call of the House on Monday next, I move you,

“That the order of the day for entering into the Committee of Supply, be adjourned to Tuesday next.”

The *Attorney General* opposed the motion, on the ground that when the Committee of Supply was opened, he would shew a system for raising the money wanted, without any additional tax on the people.

Mr. *Flood* replied, that if the Committee of Supply was opened only for the purpose of borrowing money, it could not answer the end he proposed, which was to redeem a falling land, for he saw nothing but an immediate investigation of the state of the nation could do it, as things otherwise could not go on for two years longer. Is this, said he, your system, to go on perpetually borrowing and encreasing your debt?

The *Attorney General* said, that the Right Hon. Gentleman had inverted the real state of Ireland—it was not a falling but a rising land—it was still rising, though it had already risen beyond our hope.—The Right Hon. Gentleman, said he, acknowledges he has no new system to propose, why then should the House defer the important business of the nation for five days, to wait for a better system than that by which our finances have been hitherto regulated, when it cannot be presumed that even the abilities of the Honourable Gentleman, great as they are, will be sufficient in so short a space of time to new model a system improved by the experience of many years. But, Sir, if the House will now

go into a Committee of Supply, I am ready to lay before them a plain, fair and honest system; a system that I trust no person can object to. At all events, the Right Hon. Gentleman should allow me to bring it forward as soon as possible; for if it be a good system the sooner it is *adopted* the better; if a bad one, the sooner it is *exposed* the better.

Mr. Flood said, that by a falling country, he meant only in the article of revenue and rise in expence; that he rather used the words as matter of speech in the warmth of debate, than in general acceptation. But surely a country might fairly be called *falling*, which went on from day to day mortgaging her all.

The Attorney General said—When I find a gentleman of the greatest ability representing this country as in a falling state, I must suppose that he sees it through a false medium; but when I hear him compare its present flourishing and happy situation, with what it was thirty-three or forty-three years ago, and prefer the earlier period—a time when from its poverty, its obscurity, its restrictions in commerce and in constitution, it scarcely deserved a name among the nations—I must suppose it is but the temper of the moment, to find fault with the present established form of things, without even proposing a better in its place.

Mr. Flood replied: He dwelt pathetically on the necessity of retrenchment: the misapplication of the public *monies*, and compared the Minister to a quack doctor, who used the same powder and pill [*borrowing*] for every disorder.

Mr. George Ponsonby said, he rejoiced to see the Right Hon. Gentleman, after an eclipse of seven years, burst forth in such a blaze of eloquence:—Though at all times he had the utmost reliance upon his judgment and integrity, and particularly in the present case, where nothing but public spirit could induce him to risk the loss of one of the best appointments Government could bestow, yet he must differ from him in the representation he had given of this country; and he thought that he himself was entitled to some credit, when it was considered that he was the son of a man who had given up even the Chair of that House rather than support a Ministry which he thought was doing wrong; but now he saw the Minister acting obviously for the honour and interest of Ireland, he thought it his duty to give him support, and he would ever assist him while he acted upon the same principle. He said he thought this was the time that all gentlemen of rank and property in the country should support Government; it was to men of this description whom the Administration applied, and by them he trusted they would be supported.

Sir Frederick Flood severely reprehended the Hon. Gentleman, for declaring that *he* would support a Ministry that could be so base, so infamous, so corrupt, to take away gentlemen's employments, merely because they acted according to the dictates of their

conscience; he declared that he would never support such an Administration, and rejoiced that his fortune rendered him independent of them. The Hon. Gentleman had himself abused the British Administration, of which the Irish was a part, and was therefore inconsistent in his declarations.

Mr. *Ponsonby*, supported what he had said; declared that if employments were in his gift, few persons should stand before the Right Hon. Gentleman, but that he did not think it unparliamentary to mention the risk he ran from obeying the dictates of conscience, as a cause for giving weight to his opinion, especially as it was notorious that gentlemen could not hold places under Government and act in opposition. With regard to his having inveighed formerly against the British Administration, he acknowledged it, and he acknowledged it to prove his consistency; for he opposed that Ministry when he thought they were giving up the interests of Ireland to the clamours of British manufacturers; but having since shewn that they had rejected every other consideration in favour of this country, he thought, as they deserved his opposition then, they demanded his support now.

Mr. *Mason* observed, that Mr. *Ponsonby* was warranted in saying what he had advanced, as Mr. *Flood* had publicly declared in that House, his apprehension of losing his place for opposing government.

Sir *Edward Newenham* lamented that gentlemen should forfeit their places for acting conscientiously; but, he said, it ever would be so till placemen and pensioners were by law excluded from parliament.

The *Provost* thought Gentlemen were interrupting and preventing the very enquiry which they would seem to pursue. If they seriously wished to enquire into the state of the nation, surely the committee was the proper place; in a committee this enquiry could be pursued with many advantages, which in the House it could not have; but as to our being a falling people, the reverse was clear to every one who would take the pains to compare our situation now with any former period. The hearth-money had been considered as a barometer, by the rising of which the increase of population might be known; if that was really the case, we had trebled our population since the revolution. He entreated gentlemen to represent the nation as it was—emancipated from unjust restrictions, and every day increasing in prosperity and population.—

Mr. *Flood* rose to answer what the *Attorney General* had said concerning the prosperous state of the kingdom.—If, said he, you have just got the ability to trade, you have not got the ability to pay money; for were you in possession of the West-India trade for a century, it would not enable you to go on as you are. Do not then ask to go into the supply until Tuesday, and to-mor-

row we will go into the state of the nation. An Hon. Gentleman (Mr. Ponsonby) says I am emerged from a seven years eclipse—it is true I supported Lord *Harcourt's* Administration—but was I eclipsed when, on several occasions, I went not with them, and gave my reasons for so doing? I also supported the last Administration; but on that great day when a Free Trade was demanded, was I eclipsed? When a Declaration of Rights was the subject of debate in this House, did I shrink from the question?

Probably, as the Gentleman says, ministerial resentment may deprive me of the place I hold, for I am not near enough to my Royal Master to take shelter in his virtues.

Gentlemen speak of the prosperity of this kingdom from our Free Trade, as an instantaneous operation; but the growth of a nation, like the oak tree, is slow, though gentlemen think they see it vegetate. They have, indeed, seen wonders, but they were of another kind—they have seen their country defended against France and Spain, when the Minister had abdicated its defence; when, after borrowing 1,203,000*l.* he was not able to protect you, the Volunteers, 50,000 freemen, at their own expence, armed and disciplined, stood forth! You, the chosen men of the land, approved—you gave them an example of firmness and moderation.

Should not a man, when he is sent into this house, ask himself, why am I here, is it to do the business of the nation?—Why, therefore, refuse to look into this state?

He was answered by Mr. *Foster*, who said, that the pictures he had drawn of the nation were false; that every proof he had adduced was an argument to the contrary; even his great argument of the fall of the revenues acted against him, for the revenues of Ireland, arising chiefly from imports, the decrease of our imports was the proof of our increased home-manufacture and home-consumption. What we before imported under a tax, he said, we now manufacture and consume without a tax; if the revenue falls, it falls as the nation rises.

Mr. *Eden* likewise answered two parts of Mr. *Flood's* speech—one with regard to the bounties, the other with regard to the military establishments.—He said the Honourable Gentleman in his calculation had omitted the former, because in the period he alluded to, they had risen from 8000*l.* to 200,000*l.* a year; and he talked of the expence saved, by taking off the four regiments from this establishment, whilst the number of them since the taking off those regiments, had been much greater in this kingdom, than it had been before.

Mr. *Yelverton* strongly inveighed against ministerial prodigality. He reprobated the system of accumulating debt upon debt, and tax upon tax, without any hope, any intention of relieving the nation by a manly system of reformation. Shall we, said he, for ever pursue the same destructive measures—when we are at

peace we run in debt—when we are at war we run in debt—when the nation is to be defended we run in debt—when the national defence is abandoned and the people are bid to take care of themselves, we run in debt—and we continue the same ruinous practice when the warlike spirit of the people has been roused, and private men, at their own expence, voluntarily engage in the defence of the state.

Mr. *Serjeant Fitzgerald* said, that he would not detain the House long, he would not go about and about to prevent an enquiry, which he professed to pursue. He had indeed heard much speaking, but no argument adduced to prove, that deferring the committee in which the enquiry might be made, for some days, was the speediest method of entering into it; that when he saw gentlemen drawing such melancholy pictures of the nation's state, and confessing at the same time that they were only to be considered *as words* used in debate; and when he saw them using every effort to put off the enquiry, and at the same time declaring, that a moment of delay might prove fatal, he could not help thinking of a physician who boasted of an infallible nostrum, which he could not be persuaded to administer 'till after the patient was dead; he was convinced such an opposition could not be serious, they spoke only to the galleries; they were gratified with seeing themselves in print, in having it published—that they had expatiated on the distress of the nation—had reprobated the corruption of the ministry—had exclaimed against taxes, places, pensions, and every other calamity, real or imaginary.—But for his part, as he intended to render substantial service to the state, he would demonstrate his intention by voting for the immediate committee.

This drew from Mr. *Yelverton* a warm reply, which again called up Mr. *Serjeant Fitzgerald*; but Mr. *Dennis Daly*, interposing, called both gentlemen to order. He condemned the very unparliamentary mode of private altercation, which had already disturbed this session, and declared that he would be watchful to repress it, arise with whom it would. He reprobated the practice of holding out to the people a melancholy prospect of their situation; for if after all which had been done for us, they were taught to think they were in a state of ruin, who could hope to restrain them from open tumult? But he was happy to say, that facts were otherwise—we were a great and prosperous nation—almost every thing we could wish was granted—what remained were mere trifles, and it rather became the members of the House rather to animate the people by encouraging industry, than by imaginary terrors depress them to despair.

Mr. *Flood* answered Mr. *Daly*, and made him some compliments; and expatiated greatly upon himself, especially with regard to his future conduct.

Mr. *Daly* replied, he would maintain at any time that what the nation wanted was very inconsiderable in comparison to what it had obtained ; and that with regard to promising for his conduct he was above it. Those alone had need to promise for the future, whose past conduct had been suspicious.

After some further conversation the House divided.

For going into the Committee of Supply,	155
Against it,	49

Mr. *Foster* having left the Chair, the *Attorney-General*, in a very clear and able manner, opened an account of the finances of the kingdom.

He stated the expences in the last two years at £. 1,683,162

And giving credit for the out-standing solvent balances, he stated the arrear at Lady-Day, 1781,	}	105,752
— — — — —		

He then estimated that the probable deficiency to Lady-Day, 1783, might arise to about	}	200,000
— — — — —		

He should, therefore, ask a sum of	—	305,000
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This sum he proposed to be raised by two loans connected each with a lottery ; each loan amounting to 130,000*l.* each lottery consisting of 40,000 tickets, at 5*l.* each. The prizes to be paid in ready money. The remaining 40,000*l.* to be raised as exigencies should require, by treasury bills.

He stated that there were now standing out 360,000*l.* in treasury bills ; and that it would be further necessary that government should have a power of issuing new treasury bills to the same amount, when those should revert into the treasury.

This, he said, was the whole of the plan, and might be effected without any increase of the loan fund, which was sufficient in its present state, to bear the additional charge which was to be laid upon it ; that the new annual imposition on the public would scarcely amount to more than 12,000*l.* a year ; and that this manner of providing for the public expences was in every light the most expedient, as it would occasion no additional taxes on the subject, or burthens on our manufactures and commerce, or prevent the operations of returning peace.

This plan appearing to give satisfaction, the *Attorney-General* moved the necessary resolutions for carrying it into execution, which were all unanimously agreed to.

He then proceeded to move the several resolutions for paying the salaries to the officers of the Houses of Parliament, &c. and afterwards moved that a sum not exceeding 65,000*l.* should be granted for public charities, bounties, &c. This sum was objected to, as several Members thought a proper sum could not be reserved out of it for the encouragement of the Cotton Manufacture. It was, therefore, proposed that an additional sum of 5000*l.* should

be exclusively granted, and appropriated to that purpose ; which proposition was carried as an amendment to the *Attorney-General's* resolution.

The House adjourned 'till Saturday.

SATURDAY, NOVEMBER 10.

Mr. *Longfield* presented a petition complaining of an undue election for the manor of Mallow. He desired that the Committee might not sit to try the merits of this petition 'till the 6th of February, alledging, that the council of the petitioners was now absent in England ; and that for this and several other reasons, he would not be able to proceed to trial 'till that time.

Mr. *Mason* replied, that this was the first time he had ever known a petitioner for a seat in that House, endeavouring to put off the time of trial : That gentlemen who had thought themselves so materially injured, had always been hasty to obtain redress ; but the present petitioners were of that cool philosophic disposition, that they were willing to permit the persons of whom they complained, to enjoy one full fourth of all the time they *could sit* in that House, under the present election ; and calmly desired that the committee would not proceed to trial for near three months. However this, he said, though it might suit the *convenience* of the petitioners, could not be a reason to the House ; for if the Hon. Gentleman (Mr. *A. Jephson*) was unfairly returned, which from the present appearance he had no ground to believe, the committee should immediately proceed to trial, to prevent an improper person from sitting in that House.

Sir *Henry Cavendish* spoke on the same side.—After some debate, a question was put and carried—"that the committee for trying this election, should not meet 'till the 13th of February, 1782."—

The Right Hon. *John Foster* reported from the Committee of Supply the following grants :—

	£.		£.
Speaker, —	4000	Back ditto, and Messen- }	300
Linen Manufacture, —	8000	gers, —	
Mr. Vesey, —	500	Laurence Senir, —	50
Henry Gore, Esq; —	300	John Wetherall, —	200
Dr. Ellis, —	800	Paul Lebas, —	300
Benjamin Higgins, Esq; —	400	Henry Smith, —	100
Serjeant at Arms, —	1000	Sir Roger Palmer, —	1200
Committee Clerks, —	600	John Swan, —	200
Journals Clerk, —	300	Printing Journals, —	200
Engrossing Clerk, —	200	Deputy Serjeant at Arms, —	200
Mr. Bradley, for accounts, —	130	Charter-Schools, —	10,000
Door-keepers, —	200	Dublin Society, —	10,000

	£.		£.
Work-House, —	5000	Building Churches, —	6000
Public Offices, —	5000	Minister Kilurine, —	400
Hibernian and Marine } Schools, — }	4000	New Goal, —	1000
Cork Harbour, —	2000	Dr. Achmet, —	1100
Printing Journals, —	432	Thomas Reily, —	500
St. Patrick's Hospital, —	3000	Kilkenny School, —	2000
Mrs. Molloy, —	100	Circular Road, —	2000
House of Industry, —	3000	Rouquiere Cannon, —	400
Dungarvan, —	500	Mary Hay, for printing } the Statutes, — }	475
Ballast-Office Wall, —	2000	Cotton Manufacture, —	5000
Drogheda Navigation, —	1000		

Each resolution being put from the Chair, was unanimously agreed to, 'till that by which 1100*l.* were granted to the Poor Baths was read, Mr. *Gardiner* said he thought it was a gross waste of the public money, which might, with much greater benefit, be applied to the encouragement of our manufactories. Besides, he said, the gentleman who was proprietor of those Baths, had already received considerable parliamentary encouragement.

Mr. *Beresford* supported Dr. *Achmet's* claim, and stated the very great advantages that many hundreds of poor persons had received at those Baths; where they always met with the most kind and humane attention, gratis; that by this, numbers who had lost the use of their limbs through various disorders, had been rendered useful members of society; and said that he would never consent to see the poor deprived of those benefits which were daily experienced in the Baths.

The House divided.

For granting the 1100 <i>l.</i>	—	85
Against the grant,	—	43

The *Speaker* then proceeded to put the sundry other resolutions contained in the Committee's report, and those were all gone through and unanimously agreed to.—He then put the resolution for the supply, which had been reserved.

Mr. *Flood* arose.—He recapitulated what he had said on Thursday last, concerning the state of the national finances, and the ruin that must necessarily ensue if the same destructive mode of running in debt was still continued.—Within the last ten years the country, says he, has advanced to destruction with unexampled rapidity. The loudest declaimer that ever made your walls re-echo, never ventured to suggest such an accumulation of debt. But if you have outgone example, if you have outgone the boldness of declamation, in your career to ruin, will any man say that the prosperity of this country has likewise outgone the power of declamation, when the expence of your military establishment alone is equal to the whole of your revenue?

—Do you call this prosperity—Do you call running in debt prosperity?—I do not now speak to retard your proceeding in business. I do not intend to divide the House upon the question; nor am I at all ambitious of applause; but I thought, and still think, that my proposal of going into a committee on the state of the nation, where some mode of retrenchment might be devised before we granted a supply, was a moderate, a reasonable plan; and I did hope, that after twenty years experience of my conduct, I should not be told in this House, that I was urged on by disappointed ambition. I have been gratified by almost the highest and most lucrative office that my Sovereign can bestow; and the Secretary knows whether ever I requested any favour of him.—Is this then disappointed ambition?—It cannot be supposed that I am not satisfied because I am not invited to take a lead upon the Treasury-Bench, for I do not wish to take a lead upon that Bench. There is no man in the kingdom to whom the words *disappointed ambition* are less applicable than to me. 'Tis a hard measure, indeed, if after twenty years service, I meet with such treatment. The House can testify, that before I entered into office, I was uniform in my desire of extricating the nation from debt; when in office I attempted to do it even by the disagreeable expedient of proposing new taxes; and if now I am about to lose my employment, which I regret only as it deprives me of the power of serving my Sovereign, shall I be told that I am actuated by disappointed ambition, because I do not wish that the nation should run in debt more?—My ambition has been, when out of office, not to be factious; and when in office, not to be venal.

Mr. *Dennis Daly*.—Mr. Speaker, I have consulted my memory, I have carefully enquired from every gentleman about me, I have examined *my own heart* to know whether it was possible for me to use those words, and I find that I did not—if words like those had fallen from me, *I had been much to blame*—but it is impossible they could, as I do not think that Right Hon. Gentleman does act from disappointed ambition; yet surely it cannot be thought personal, that I do not approve of presenting to the people a melancholy picture of this country, which in my opinion, is advancing fast to the highest prosperity. The words that I made use of, when the Right Hon. Member spoke of my future conduct, were those:—“That I would make no promises for my future conduct, as they alone had need to promise for the future, whose past conduct had been suspicious.”—Those words I must still maintain; but if the Right Hon. Gentleman could not allude to me when he mentioned future conduct, I could not allude to him when I mentioned past conduct.

The *Speaker* declared that it was highly unparliamentary to animadvert upon any expressions that might have fallen in a former debate; but both gentlemen eagerly rising at the same time to

express their respect and regard for each other, the Speaker was somewhat interrupted, and the matter amicably ended.

MONDAY, NOVEMBER 12.

Mr. *Foster* moved the House, "that it should be an instruction to the Committee of Ways and Means, to take into consideration the bounties payable on the importation of foreign flax-seed, and whether they would not be better applied in encouraging the growth of flax-seed in this country; also, what bounties would be necessary to encourage the refining of sugar; also, that the committee should take into consideration the petition of the sugar refiners and merchants dealing in that commodity."

Sir *Lucius O'Brien* said, that by accounts which he had received from Portugal, he was almost convinced that negociation was at an end, and our trade to that country destroyed. He thought that Portugal had made a bad return for all the favours shewn to her. He went through the treaties from the time of Henry II. to shew that Portugal should have placed us *on the footing of the most favoured nation*; that on our part we had treated her so, and even manifested a partiality, by taxing the wines of Spain higher than those of Portugal. That in this we seemed to forget that well-founded maxim—PEACE WITH SPAIN AND WAR WITH ALL THE WORLD.—That no two nations were ever better fitted for mutual advantage in commerce, as this country wanted almost every commodity that Spain and her colonies afforded, and Spain stood in need of every article this country produced; that while the whole linen market of Portugal amounted to 1,200,000*l.* per ann. the yearly export of that commodity from the Spanish port of Cadiz only, amounted to 3,500,000*l.* per ann. that a large proportion of this might be taken from Ireland, which, in return, would receive gold and silver, cochineal, and dye stuffs, also wine, wool, and a number of other articles. That notwithstanding Parliament had unwisely laid an extra duty on the wines of Spain, he now hoped it would be taken off, as he believed peace was not far distant, and as it was obviously our interest to encourage a trade with Spain, and this extra duty on Spanish wines could not be taken off but by Parliament, which, perhaps, might not be sitting at the time peace might be restored; he thought therefore this was the proper season for doing it. As for Portugal, who pretended to take offence at our regulating the duty on wines, though plainly to her advantage, he intended to propose a suspension of all trade to that country, 'till this nation should have obtained justice.

Right Hon. *John Foster* said that while we were at war with Spain he could not see the propriety of the duty in question; that it was throwing away an instrument, which, in a treaty of peace

we might use to advantage. He said he thought it would be highly impolitic to shew the least slight to Portugal, even so far as putting Spain upon the same level with her; and he thought it would be best to let the Spanish duties stand as they are, at least till we were certain that Spain would thank us for the alteration.

Sir *Lucius* replied, that the Spanish wines were so little in use, and the revenue received so little benefit from the quantity imported, that raising the duty might rather be considered as an insult than an injury to that country.

The House went into a Committee of Ways and Means, Right Hon. *John Foster* in the chair.

Mr. *Grattan* gave notice, that he would to-morrow move the House to take into consideration a repeal of the Mutiny-bill.

The *Attorney General* said, he hoped the Hon. Gentleman would to-morrow suffer the committee to proceed with an enquiry into the Sugar Business, as it had been referred to that committee, and was immediately connected with the business of it, and that he would consent to put off the business of the Mutiny-bill till the next day.

Mr. *Grattan* replied, that he could not consent to bring on the Sugar Business to-morrow, as several necessary evidences were not yet ready.

On that account the *Attorney General* said, he would be very unwilling to bring it on, and consented to defer the enquiry till the necessary evidences should be procured.

The *Attorney General* then proceeded to shew that in the ways and means for raising the supply voted to his Majesty, no new tax was intended to be laid upon the subject, (except a small matter in equalizing the tobacco duty with England); and that none of the old duties were to be altered, though they were to be arranged in proper classes. He then proceeded to move the necessary resolutions, which were all unanimously agreed to, till he came to that which regulates the duties on Spanish wines.

Mr. *Eden* said, he thought himself and the whole House much indebted to the Hon. Baronet who had bestowed so much pains in considering the commercial interests of this nation; that on the last blush of the question he was inclined to pay great deference to his opinion; but that some respect was also to be had to the opinion of the House expressed by the act of last session.—He asked was there not some difference between the circumstances of our trade to Spain and that to Portugal? Was there the same reciprocity of interest? From Portugal we received a *quid pro quo*; by our treaties with her we were entitled to be placed on the footing of the most favoured nation. Was the case the same with Spain? Do not Irish linens pay a higher duty in that country than the linens of France? All these questions he said should be properly

understood before the House could determine how to act; he therefore thought this resolution should be postponed till one of the last, that the House might have time for enquiry and consideration.

Sir *Lucius* thanked the Secretary for his polite manner of declaring his opinion of his feeble efforts, and concurred in the idea of deferring this resolution to the last.

TUESDAY, NOVEMBER 13.

Mr. *Grattan* said, that in the 18th century, however astonishing it must appear, he rose to vindicate Magna Charta, sanctified as it was by the authority of 600 years. He called upon gentlemen to teach British privileges to an Irish senate. He quoted the laws of England, first, because they were laws; secondly, because they were franchises; and they were the franchises of Irishmen as well as of Englishmen. He was not come to say what was expedient, he came to demand a right; and he hoped he was speaking to men who knew and felt their rights, and not to corrupt consciences and beggarly capacities. He begged gentlemen to tell him why, and for what reason the Irish nation was deprived of the British constitution?—He said, the limitation of the Mutiny-bill was one of the great hinges of the constitution; and ought it then to be perpetual in Ireland?

No man could doubt as to the point of right respecting the army; he would even resort to the question of necessity. We want not an army as Great-Britain does; for an army is not our protection.—Was your army your protection when Sir *Richard Heron* told you, you must trust to God and your country?—You want it not for defence—you want it not for ambition—you have no foreign dominions to preserve, and your people are amenable to law.—Our duties are of a different nature—to watch with incessant vigils the cradle of the constitution, to rear an infant state, to protect a rising trade, to foster a growing people.—We are free, we are united—persecution is dead—the Protestant religion is the child of the constitution—the Presbyterian is the father—the Roman Catholic is not an enemy to it—we are united in one great national community.—What was our situation formerly? We were a gentry without pride, and a people without privilege. The British constitution lay upon the ground like a giant's armour in a dwarf's custody.

At length the nation asserted itself, and though the Declaration of Rights was not carried, which I proposed as a measure safe and innoxious; yet our spirit made us a nation.—British supremacy fell upon the earth like a spent thunderbolt—the Minister feared to look at it—the people were fond to touch it.

Yet though we have no necessity for an army, and have asserted our freedom, we have followed that assertion by erecting martial law, and a perpetual dictator for ever.—I laugh at the argument that this law is the charter of our freedom.—Is the 6th of George I. repealed?—Why does not the Minister come forward and declare our rights?—No, all is mystery, all is silence.—Besides the present Mutiny-law is defective—no enacting part—and articles of war are become the law of the land; by which there is no safety left either to England or Ireland—we have suffered an armed prerogative to issue out of a claim of right.

Besides, the power of the purse is given up already by the hereditary revenue, that original sin of your ancestors, which visits you from generation to generation.—This is the very alarming consideration to those that love liberty better than the profits of office.—Yet we have added the tide of power to the sink of influence, and have bid majesty to govern by either.—The power of the purse you have long lost—you have now lost the power of the sword.—The question is—will men prefer a biennial to a perpetual Mutiny-bill?—Will men lay their hands upon their hearts, and decide the question?—

Suppose that a company of British merchants should petition an English parliament to restrain your trade again, and that the requisition should be acceded to, what would you do—without any resources to support your right?—without a navy.—You could not resist such a mandate; and every idea of coping with such tyranny would be in vain when you have resigned the sword.—When two thirds of your revenue are granted in perpetuity, the power of Parliament cannot preserve the Free Trade of the kingdom. Be assured that England will never grant to your meanness what she refuses to your virtue. In the infancy of this very act, why did not the advocates of its present form come forward, and propose it a perpetual Mutiny-bill?—No.—They knew such language would ill suit the ears of Parliament, as it then stood disposed in the public service.

He then resorted to the other arguments with regard to the unity of discipline, &c. which having stated, he said—if you are competent to regulate your commerce, why not competent to regulate your own army?—Commissioners have been sent to America, to offer a branch of the British empire, in arms against the parent state, unconditional terms to tax themselves, and regulate their own army. Two of the Commissioners have been sent over to govern this kingdom—Will his Excellency, or the Right Hon. Gentleman his Secretary, say, that Ireland is not entitled to the terms offered to America?—That the loyal and affectionate sister of England is not entitled to the indulgence held out to the enemy of England—to the ally of France? It is impossible.—I therefore move, “That leave be given to bring

in heads of a bill to explain, amend, and limit an act, entitled an Act to prevent Mutiny and Desertion in the Army."

Mr. *Flood* said, that not having been present the first day of the session, when the Hon. Gentleman declared his intention of bringing on this bill, he had determined, in his own mind, and had even promised to bring it on himself; but finding it now in such able hands, he would relinquish the honour of being its mover, and content himself with the second place, of being the supporter of the bill.

He began with the history of standing armies in time of peace, which were unknown in England 'till the reign of Henry the seventh, who first entertained a few guards: He shewed how this small body had encreased from time to time, 'till it arrived at the formidable number at present in pay—related the various and powerful modes of opposition, which the British nation had at various times adopted—declared that when men committed their opinions in writing to posterity, the greatest regard should be paid to them—that no less than eighty of the prime nobility of England, had protested solemnly against a standing army in the reign of George I. that they had declared it fraught with utter destruction to the liberty of the subject.

He then read the protest, which was couched in the strongest terms of abhorrence to a standing army.

He produced the authority of *Montesquieu*, on whom he bestowed the highest eulogiums.—He said that his work (*Sur l'Esprit des Loix*) had cost him twenty years close examination of all the laws of every different nation, antient and modern; and that he concurred with all the other authors who had written on this subject, in declaring, that every state which had been reduced to slavery, had lost its liberty by a standing army.

He observed, that *Montesquieu*, in speaking of France, had industriously avoided mentioning her army, and spoken only of her militia—that his pride had made him endeavour to distinguish between an arbitrary and despotic government—That of France, he said, was founded upon honour; but a despotic government was founded on fear—that wretched habit of the mind which emasculates the soul, and reduces it below the level of humanity.

He went back to the Roman commonwealth, and shewed from *Montesquieu*, that at first no person could be enlisted in the army but a Roman citizen, possessed of a certain property, that might answer to the republic for his good behaviour; but when this law was broken through, and *Marius* enlisted all sorts of people, the Roman liberty was destroyed; and it would, he said, be ever the case when people give up the defence of their property to the refuse of mankind.

I will next, said he, produce to you the authority of the apologist for the House of *Stuart*—"when the power of the sword, says Mr. *Hume*, is lodged in the hands of a single person, he will neglect the discipline of the militia, and will always find a pretext for keeping up a standing army."—This is a mortal distemper in the British constitution, of which, at last, it must inevitably perish.

He produced *Blackstone*, in whose Commentaries he read some pages, to prove that standing armies in time of peace, and the laws by which they are governed, are utterly repugnant to the principles of the Constitution, to Magna Charta, and to the Bill of Rights. He then quoted the Articles of War, to shew that disobedience to lawful commands, was one of the offences which under this bill was punishable with death.—He desired to know whether an army attempting to enforce the execution of an English statute in Ireland, might not think themselves acting in obedience to lawful commands.

He concluded with reciting the advice of the Earl of *Clarendon*, to Lord *Digby*, desiring him to fix some bounds to draw some line which his infamy should not overstep; but this advice, he said, he would not apply to an Irish House of Commons.

Mr. *Gardiner* observed, that though the Right Hon. Gentleman had traversed the beaten ground on which this argument had usually been pursued, in every possible direction, he had failed of producing that conviction of mind which generally resulted from powerful eloquence. The arguments of the Right Hon. Gentleman, he said, if they proved any thing, proved too much.

Mr. *Flood* said, that he did not mean to use the arguments in their full extent.

Mr. *Gardiner* said, the Right Hon. Gentleman has used the arguments, and it is my duty to shew the House the reasons that compel me to dissent from the conclusions that he has drawn from those arguments. It appears to me, and I trust it will appear to the House, that those arguments and the variety of authority that have been quoted, go not only against the present law for regulating our army, but against every law by which a standing army is granted or governed; they go against the introduction of a new Mutiny-bill, and against every Mutiny-bill that ever has been or ever will be passed. They go even against the English annual Mutiny-bill, which the Honourable Gentleman approves; for that bill grants the King an army, whereas search ours throughout, and you will not find a single soldier granted by it. The English Mutiny-bill grants an army for twelve months, and is called a limited bill; under our's an army has no existence, even for a single day:—How then do you call it perpetual?—We are told that the Crown, armed with a perpetual Mutiny-bill, and supported by an hereditary revenue, may overturn the liberties of the

subject, or compel the execution of British statutes in Ireland; but will any man believe, supposing some future Monarch should entertain such thoughts, that the hereditary revenue, loaded with numberless deductions, and unable to support the very feeble army at present upon our establishment, would be a fund sufficient to maintain an army equal to the task of conquering the brave disciplined people of Ireland? This law, which enforces order and subordination in the army, some have affected to call by the name of martial law, but martial law is *pro tempore* a suspension of the constitution, which this is intended to defend. The preamble to the British law which grants an army, regulates their number and appoints their pay; declares that a standing army in time of peace is highly unconstitutional; but does it not, by the strongest implication, say at the same time, that in time of war a standing army is necessary?—He went on to produce many other arguments equally new and ingenious, to shew that our Mutiny-bill was merely a bill of regulation as to our army; but as to the British nation it was a charter of our liberty; it was the first law made by us upon the principle that no English statute could be of force in Ireland; and the English Parliament, by leaving out the name of Ireland in the last Mutiny-bill passed by them, proved their acquiescence in that opinion.

Sir *Hercules Langrishe* said, he would not trespass on the patience of gentlemen, if he was not convinced that the wisdom of parliamentary debate, the investigation of truth, and regulation of the public opinion, required that gentlemen of every side of the question should deliver their sentiments—that we should patiently examine them, and not confound the merit of the *argument* with the *situation* of the man who offers it; and he was the more inclined to say a few words, as it was too common to represent differences of opinion on those great subjects as proceeding from other motives than those of opinion. He would not say that a perpetual law for government of the army stood in any comparative superiority over a law limited in duration to that of the supplies which paid that army; on the contrary, admitted we in the first instance agreed to a limited bill—that afterwards we passed, on full consideration a *perpetual law*, not on principles of preference, no man alluded it, but on principles of accommodation, which every man aspired at; and these principles of accommodation were, or were not, admissible, inasmuch as the perpetual law did or did not sufficiently assert and vindicate the great constitutional doctrine it was formed to establish. That the question was, whether the present law was adequate to this purpose; whether it was a sufficient establishment of the first great object—the exclusive authority of the Irish nation—and whether it be (without reference to other countries or other modes) handed down from times dissimilar to the present; whether it be sufficiently guarded to protect the Constituti-

on from the power of the Crown. If these objects were left doubtful they ought to be ascertained; if not, better continue the law as it is, than revive a subject of such difficulty, or re-kindle the warmth of so interesting a controversy. As to the first great object—the exclusive authority of the Irish Parliament—the amendment could not add one link to the strength or extent of that security. The law we have enacts, that by authority, by advice and *consent* of the Lords Spiritual and Temporal and Commons of Ireland, certain articles of war shall be the law of Ireland. That, by the same authority, it shall be lawful for the King to make, under certain restrictions, certain other articles; which is declaring, as strongly as a declaration of rights could state it—that, without this authority, these articles would not be lawful in Ireland; without this authority it would not be lawful for the King to make further articles.—Thus, be the law temporary or perpetual, be it summary, or be it circumstantial, it equally provided—that the Irish army in common with other subjects of the realm, should be governed alone by the laws of the realm:—And this principle was, by the alterations of the English Mutiny-bill last session, recognized and ratified by the British Parliament. He said, that this law could not furnish any power of abuse to the Crown, or convey any hazard to the Constitution. That this law could not legalize a perpetual army, if it did it would be inadmissible; but it did no such thing, it only provides, that when there is an army, it shall be so governed; but the existence and support of that army you vote and supply every session in this House; not in your Mutiny-bill, as the British Parliament do, (wherefore that law must be temporary) but in your bill of supply, which is almost temporary; so this was a law for government of an army—*eventual on your having an army*; and your having an army was *eventual on the will of Parliament*—there was therefore no reason to say this law had any relation to continuing an army. You might as well say your revenue law, being of longer duration than your bill of supply, was capable of protracting the duration of the supplies to that of the law for regulating those revenues.—He said, that the Crown never considered itself intitled to add a soldier in time of peace without consent of Parliament, and this he instanced in the message for the Augmentation in 1767. He obviated the objections, that Parliament would not be able to disband an army, while the Crown had a perpetual law to govern them; and said, if the Crown were ever to have an army independent of Parliament, or contrary to Constitution, would the Crown be beholden to you for a *law* to govern an army maintained *against law*? He examined the whole charges affecting the hereditary revenue, to prove it could never, independent of Parliament, produce a sum that the most arbitrary Minister could look up to with hope, or the most jealous patriotism consider with apprehension.

He said this law was sufficient for our security ; he would not wish to change it for a law which must periodically bring these valuable rights into discussion ; and which might hereafter leave them to the assertion of a weaker spirit amongst ourselves, or to the designs of some rash and arbitrary Minister of Great Britain. He spoke of the necessity of a mutual good understanding between the two countries, and of the state of this as to commerce and constitution. He said, every man in the community sees a field within his industry, may reap a property, and feels a freedom of constitution whereby he may ascertain that property—he feels with honest pride that he is governed by his own laws—he feels that he is free—let him feel that he is happy.

Mr. *Crookshank* expressed his concern for differing on the present occasion from the opinion of his constituents, but as they had not shewed him any inconvenience arising from the present law as it stood, and he had not himself been able to find any, he could not give up his own judgment, but acted upon it with the more confidence, as he knew the men he spoke of would despise him if they thought he would be implicitly led by the opinion of any man. He said the Hon. Gentleman who introduced the motion had said truly “ that a standing army was against the law of the land,” and God forbid he should be the advocate to the contrary ; but when he asserted that the Mutiny-law perpetuated the existence of an army, he must beg leave to differ with him, the Mutiny-law being only a regulation of the army while the army was continued by the Parliament ; and as the existence of the army must ever depend upon the will of the Parliament, it was consequently at all times in their power to suspend the operation of the act. He relied on it that the present time did not call for any alteration in the act, though he would not be understood to say but that at a future day it might be expedient to make it temporary ; and whenever that period came, he would be the first to move for its amendment. He said it was too much the fashion of the times to decry the constitution, to censure our laws, and to reprobate the Ministers—thence it was that men of the first abilities pictured this country in colours the most hideous, and held out a language to the people that must make them think their situation, of all others, the most wretched ; but let us rove through the universe, and we would not find a spot half as happy as our country is at this moment, nor a spot where the liberty of the subject was in more perfect preservation. Blessed, as he said this kingdom was, in the present moment of repose, and in the midst of war and tumult, felt not the effect of either, if we but avail ourselves of our happy situation, and did but cherish the growing industry of the people, Ireland must be happy.

Mr. *Corry* said he had always supported the Irish Mutiny-bill, as an establishment to that great principle, which he would ever

defend within these walls and without—the *supremacy and independency of the Irish Parliament*—That our constitution is established by it, as it stands against England, and that the present was a question of time only, and regarded a point between the Irish nation and the Irish King: He thought another time would be better to agitate it, because the people were now in peace and industry, and did not call for this measure at this moment; for if it appeared to be the sense of the nation, or that they were uneasy for the present moment, he would support the motion. He desired not to give any opinion by the vote of to-night but as to time, and begged leave to consider himself as not precluded by it from supporting, upon another occasion, if it seemed a fit measure, the change of this bill, and the insertion of a biennial clause.

Mr. *Forbes* said, that the British legislature, jealous of their liberty, had made their Mutiny-bill from year to year—that no man in the British senate would dare to propose a perpetual one—they would not dare to violate the constitution—their lives would pay the forfeit—but the Parliament of this country had entered into it with uncommon alacrity.—Lord *Coke* had said that, “the legislature had not power to make over, or delegate the rights of the people to any man or body of men,” as the perpetual mutiny-bill has done. The example of *Dudley*, &c. ought to be a warning to Parliament never to trifle with the liberties of the people. The constitution of the state had often been compared to the constitution of the human body—no part could be injured without disordering the whole—and if the soldiery were to be bound by a code repugnant to the principles of the constitution, by articles of war arbitrarily imposed upon them, he desired to know in what was the liberty of the subject safe.

Sir *Boyle Roche* said, that he was a soldier, reared and educated in the army; which he had ever found a school of virtue and honour: That he had never felt himself hurt, nor ever heard others complain of the laws by which it was governed: That our armies were raised for the defence of liberty, and that they were superior to the armies of other nations, from whom the example of oppression had been quoted, in the same proportion as their principles and purpose, VIRTUE, HONOUR, and LIBERTY, exceeded baseness, tyranny, and ambition. He said, now that the rights of Ireland were restored through the mediation of that great man, Lord *Hillsborough*, whose memory will reign in the hearts of Irishmen, while gratitude and public virtue shall warm their breasts—now that the influence of foreign legislature was done away, and we are governed by laws wholly our own, we should endeavour to cement the union between this country and England.—Our prosperity and interest were now the same; there was now no more difference between England and Ireland, than between Middlesex and York. We were now all become Englishmen and no friend of either country would attempt disunion.

Mr. *Moffom* said, the son of Cræsus was dumb, but the King, his father, in a battle where he attended, being defeated, a soldier had raised his sword to give the last fatal stroke to his misfortune, when the youth, impelled by filial affection, made one effort, and cried out, spare the King: Even so, I, when I see my country's liberty going to receive the last fatal stab, must now cry out, spare the Constitution.—Enough has been said of this bill to convince every man who has not shut his eyes against conviction. Now that we have thrown away our defence, we are again left at the mercy of Britain; and, for aught we know, that abominable act of tyranny, the 7th George I. an act to which no more obedience is due by Irishmen, than if it had been made by the Parliament of Paris, or even by the Congress of America, may again be attempted to be enforced in this country: Therefore, to prevent such an attempt, to promote the union and prosperity both of England and Ireland, I am zealously for a repeal of the bill.

Mr. *Bushe*.—I have not heard a single argument to induce me to relinquish the principles on which I first introduced a Mutiny-bill. If all the pride, if all the prejudices of England are at an end, she will assist us in establishing our Constitution. Our dispute is not now with the Parliament of England, but with the British Ministers. When I introduced a limited Mutiny-bill, it was upon the principle of doing away the only act that England exercised over us; not to fetter my country with a perpetual Mutiny-bill. I wished that the power of the sword should be lodged in the hands of Parliament. I would have fixed the liberty of my country upon the solid rock of her own strength, not upon the shifting sands of ministerial favour. I intended to give her a security for the meeting of her Parliament, which the hereditary revenue has taken away. We should then have been in the situation of a great man, whose common smiles are taken for affability—whatever we granted would be received as a favour.—But now we are in the state of a poor man, who is thought to trespass on generosity when he requests even his right.

It is admitted on all hands, that if we have an army not under the controul of Parliament, liberty is at an end. There were four ways in which we might have controuled our army: First, by withholding the Mutiny-bill, by which it is to be governed; secondly, by limiting its duration; thirdly, by limiting the number of our troops; and lastly, by stopping their pay. The first three methods we have actually lost, and the last we have much diminished.—He then read the act granting the hereditary revenue; which, he asserted, was sufficient for the pay of an army. He proved, that after the last war it had encreased two fifths; and when it was considered, that at that time our trade was restrained, but that after the present we should have it open to all the world,

it might reasonably be concluded that the hereditary revenue would rise to an enormous sum, and the Crown might maintain an army from which the subject had every thing to dread. He called to gentlemen's recollection, that at first almost every state in Europe had been free; but how many of them had lost their liberties by standing armies! This, he said, he would have prevented in Ireland, by keeping in the hands of Parliament the power of the sword and the purse. It was a good thing, he said, to belong to an old nation; he wished his country would entertain some Old English prejudices: Every Englishman did not understand all the refinements of policy, but every Englishman was prejudiced in favour of the British Constitution; and those prejudices, if we possessed them, would, as a shield covered with the rust of antiquity, guard our liberty, and prevent our reflecting every giddy image.

Serjeant Carleton said, he was sorry to see the opinions of a disappointed minority, enemies to Ireland in a British senate, brought forward in an Irish House of Commons: It was obvious that a law depending upon another limited in duration, could not be itself considered as perpetual. The Mutiny-act does not grant an army in perpetuity to the Crown—God forbid—if it did it would be a direct violation of our Constitution—if it did, he was assured, no lawyer or gentleman would have consented to it.—It was merely a law for governing an army, granted and supported by other laws which expired biennially; nor does it deprive the subject of the benefit of the laws of the land, for it is now itself a law of the land. As to the argument that the Crown might apply the hereditary revenue to the support of the army, it was idle: Could it be supposed that the King would remove his placemen and discharge his pensioners, and extinguish the whole civil establishment—that he would raise such a formidable host of foes against him?—There was no more reason to suppose this, than that he would make war upon the independence of Parliament.

Mr. Jephson adverted to the ineffectual efforts which had been used in the last sessions to swell the Mutiny-bill into a grievance; acknowledged the great abilities of the mover of the repeal, (*Mr. Grattan*) but said that even those had been overwhelmed under the difficulty; that the subject had been much canvassed from the press; and that the more it had been enquired into, the more reason the majority of last session had to be satisfied with the rectitude of their decision. All the eloquence and abilities of the House could not persuade dispassionate hearers, that a bill to regulate an army, which at the same time did not levy or maintain a single soldier, could be a proper subject for mistrust or indignation. He enumerated the purposes of a Mutiny-law, shewed what it could and could not do; and said, that a man might as well say

he had built a palace, because he had the plan of one in his pocket, though without materials, or means to put them together, as say that an army could be created by the mere digestion of a scheme to regulate it.

The British parliament making it a practice to pass their Mutiny-bill annually, having often been resorted to as an argument to prove the jealousy of Great Britain with respect to standing armies; he said, that besides several essential differences between the Mutiny-laws of the two kingdoms, the huge disproportion of the military establishments ought to be considered. The English establishment consisted of 100,000 men and a militia of more than half the number; an army more mercenary, because it was an army of substitution. The complaint in Ireland was, we had too small, not too great an army; we remonstrated against the removal of a single regiment. If we feared any danger to liberty from them, we should be better pleased to pay for their absence than for their presence; which we required, because we paid them, and thought them necessary. Such apprehensions could not be real. If there ever had been a season for apprehensions, the present season could not admit of them. He shewed the state of Ireland when the American war broke out—a coast every where accessible, without one ship of war, one fortification of strength, a starving populace, a lawless rabble, a divided religion, and a handful of soldiers mouldering away by desertion, which no vigilance or discipline could prevent—we then relied solely on the protection of England; but on France espousing the cause of the revolted provinces, a national army, thick as the vegetation of the soil, sprung up, and overspread the whole face of the kingdom. It was an ill compliment to a Minister's principles to suppose him willing to overturn a free constitution, and to trample liberty under the bloody track of the soldier at any time; but to suppose he should make the attempt at the time the execution was impracticable, is a much worse compliment to his understanding; and admitting he could be weak or wicked enough to form such a design, the idea of its accomplishment, carried with it a gross affront to the spirit and consequence of at least 40,000 armed patriots. Gentlemen feared Ireland might be made a place of arms, or troops might be sent over in British pay to this country as a magazine and nursery for despotism; such fears were idle; not a regiment could be added to the Irish establishment till the Parliament of Great Britain had first passed an enabling act for the purpose. If a perpetual Mutiny-bill was the temptation on one side, the letter and spirit of a most venerable law was the restraint on the other; their efficacy was at least equal; were we too weak to defend our own rights, we must first suppose Great-Britain to surrender hers; we must lose all ideas of practicability in visionary alarms, and in conjectures almost impossible. As to send-

ing troops over here in British pay, it supposed a state of war. Peace was desired in England, among other reasons, because heavy and oppressive taxes, made necessary by war only, might be lightened. As general pacification could answer no such purpose, if the same expences were to continue after as before it, sending troops from America to Ireland was changing the ground of hostility, but not removing the expence. He must be but a shallow politician, a short sighted Briton indeed, who did not see that an army sent into Ireland to destroy a free Constitution might soon be transported back to England for the same unnatural purpose. Will the existing example of the American resistance furnish no caution against new experiments in government? There was no temptation to make the attempt here; much would be risked by the contest, and nothing could be obtained by the victory. An Honourable Member, very respectable for his sentiments and conduct at all times, had assigned an ingenious reason for the alteration made in the bill in England; the Minister did it (says he) to save himself the mortification of a biennial recognition of Ireland's independency. He shewed clearly why this and the danger he might incur at home, from yielding at once, and entirely to a novel claim of Ireland, might have occasioned it. He gave a description of the care taken by the British Parliament in their Mutiny-bill, from which most of the clauses of ours were but transcripts, to guard against any encroachment upon liberty by a standing army. This law was not made suddenly on the spur of occasion, undigested, untried in its operation and consequence, but the result of public wisdom, public virtue, and long experience.—The patriot had concurred with the placeman in modelling it. It was as perfect now as it ever could be; and there appeared to be no enormous grievance in giving a perpetual duration to a law, which did not require to be altered, and could never be amended. He said, if there was any thing suspicious or imperfect in the law we now had, the present Administration of Ireland were not obnoxious from any blame for it; because it was the law before they were the Ministers of this country; nor could they agree to the repeal without censuring the majority which passed it, of temerity or ignorance; and without saying, by clear implication, that the representative sense of the people could be better collected from the zeal of a few, than from the most deliberate determinations of the many.

Sir John Blaquiere premised that not having heretofore taken any part in this business, the question was to him entire; but he would now take a part, offend whom it might. He said he did not much approve of the bill as it stood; but was certain that as it could be no object to England, it would one day be altered. However, he did not seem to think it a matter of such very great importance as gentlemen seemed to make it. The present

Ministry, he said, was a *strong one*; he wished the nation would take advantage of their strength, and their inclination to serve this country, by proposing something materially to its advantage. And he concluded by saying, that it would injure the very cause that gentlemen wished to support, and prolong the accomplishment of their desires, if now they should urge a question and lose it by a large majority.

Mr. *Ogle* condemned the bill, and gave his suffrage to have it repealed.

Mr. *Daly* said—We have all had ample time and opportunity to consider the question at present before us; therefore whatever part we take must be with full conviction, and our eyes open:—If desire to act uprightly, we cannot go astray—it requires no depth of understanding to decide upon this question—integrity and spirit is all we want.—That a perpetual Mutiny-bill is obviously repugnant to our constitution, and against the first principle of the state, all the miserable apologies which have been made to gloss it over, may easily be seen through—it has not even the pitiful plea of expediency.—It is a stroke aimed at the dignity of Parliament, intended to subvert the independence of the nation.—Could not Parliament have been trusted with the biennial passing of a Mutiny-bill? In our hands it would have been perpetual if the Crown had made no ill use of it; but it is said that by this bill all future cause of dissention between the two countries is removed.—If it is removed, it is because this House has tied up its hands—because it has put the sword into the power of its adversary.—I hope, and I believe no dispute will ever take place between this country and her Sovereign—it is a long time since the Crown attempted to take any arbitrary strides—fatal example and refined policy have taught it to change its mode of attack—the supreme authority of the English legislature over all the appendencies of Britain, has been the favourite doctrine of the present times.—If we then relinquish to them the power of the sword, all our other rights must fall; and the nation, which has spent fifty millions to coerce America, may, perhaps, spend the tenth part of that sum to subdue Ireland. I do not think that this will ever happen; but why are we in such a hurry to throw away the instrument by which we could prevent it? And why, if England wishes to conciliate our affection, does she refuse the only certain way of attaining it?

Mr. *Eden* said that it gave him much concern to differ that day in opinion from some gentlemen with whom he wished, and hoped, in general to concur; but it was a consolation to differ on a point of mere speculative reasoning, and not of permanent importance. As a servant of the public, and filling a very responsible situation, he was determined, at all times, to guard against the enthusiasm of the day, whatever it might be; and to preserve coolly

and respectfully, the *even tenor of his way*, on such principles as seemed to be calculated for the advantage of the public. A gentleman, he said, had wished to see some old English prejudices prevail—for his own part he confessed he entertained some, they were in favour of the constitution, and he would always be happy in applying them to the safety of this country—they were those entertained by the Old Barons who resisted to surrender their franchises, and expressed their dissent to such a proposal—*Nolumus leges mutari.*

As a member of the legislature, he said, it would be his uniform principle to resist the alteration of the laws, except on convincing and operative reasoning.—Ingenious imaginations might paint possible mischiefs in the possible abuses of the best possible laws; but the well meaning mind would consider what attention was, in truth, due to such paintings. If the objections taken were either doubtful or unimportant, they ought not to be allowed to bring instability on the decisions of the legislature. The whole question had been argued as if the danger of a military establishment consisted in the regulations which are to restrain that establishment from acting like a body of lawless ruffians. The profession of a soldier, in a free state, is always subject to jealousy; but no man denies that it is necessary in every state; no man denies that regulations for its government are necessary.—If then there must always be an existing army, and always an existing regulation, is it not indifferent whether that regulation is triennial or perpetual? The extent and number of that army is not indifferent; this is an object of jealousy, and therefore reserved to the limitation of the legislature from time to time.—It had been asked whether there had been a perpetual Mutiny-bill in any free state? The *Sacramentum Militis* of the Romans was a perpetual Mutiny-bill, handed down from age to age, and army to army. That perpetual Mutiny-bill, had not ruined Rome—her ruin had arisen from the ambition and competition of her great men.—An Hon. Friend of his (Mr. *Daly*) had stated, that this bill might expose us to the danger of the King of Great Britain combining with his British Parliament, and sending an army to over-run the liberties of Ireland; but it was stated as a possibility only. Would 50,000 invaders, sent to trample upon the laws of a country, govern themselves by the laws of that country? Would they, on landing, run to our statute books and votes of Parliament, to see how far they were warranted in depredation.

He concluded with saying, that having doubts on the foundation of the question, and no doubt of its present unimportance, he would resist the motion. He had found the Mutiny-law recently established on solemn discussion, and by large majorities; the execution of it had passed immediately through his hands, almost from its commencement, and he had found it full of expediency,

and void of mischief. It was the act of a session of which all within those walls ought to be proud—it was the act of a session to which all out of those walls ought to feel reverence and gratitude.

The *Provost* went deeply into the business, examined all the instances that had been produced to shew the dangerous tendency of this bill; and undertook to shew they were all foreign to the question. He proceeded to shew, from numberless examples, that under the British constitution, which by *Magna Charta*, he said, we had enjoyed even earlier than the English themselves, our army could never be inimical to liberty; but must at all times be dependent on Parliament. He shewed that the English Parliament which had voted the army of *James* the 2d a nuisance, raised for the purpose of oppression, did after the revolution return public thanks to that very army for the part they had borne in it. He then went into a variety of proofs, to shew that the House always did, and he hoped always would retain the power of encreasing or diminishing the army at pleasure; and asserted that any increase which might be made without the consent of Parliament, was in itself void; and that if the Crown should bring into this kingdom a single soldier beyond the number voted, such a soldier was thereby *ipso facto* disbanded and released from the service.—He was sorry to see Gentlemen raising supposition of danger for supposition sake; for a space of 88 years, he said, we have been deprived of our charter, our army has been governed by an English law; the English law is now removed, our charter is restored, and now we find ourselves more happy than under a foreign legislature; he had rather indeed the law had been biennial, but such as it was, he considered it as a great acquisition. We had a perpetual law, he said, for marching of soldiers, yet no man ever thought it an infringement of liberty; and he was certain, that when it was considered what influence that Nobleman, who was the patron of this country, had in the councils of our Sovereign, it would be readily admitted, that if any evil could be apprehended from the Mutiny-bill, it would be altered; but agreed with Sir *John Blaquiere*, that the present was an improper time to urge an alteration. He concluded with declaring, that he did not think the liberty of the country so much depended upon Parliament Barriers, as on the valour of its inhabitants.

The Right Hon. *Walter Hussey Burgh* insisted it was a question totally different from that of last Parliament; they all knew in what form it went over last session, and that it was returned a perpetual act. The question was then, whether we should have a perpetual Mutiny-act, or none at all—An Irish Mutiny-bill though clogged with being perpetual, or the former imposition of an English one.—Suppose (says he) this new bill should pass the House, and be rejected in England, you must recur to the English bienni-

al-bill. It should seem to be asked, whether you should enjoy a perpetual Mutiny-bill, or perpetual Constitution? The temper of the machine of government has taken such a bias. Almost all the countries in the world that have been enslaved, have been enslaved by the army. If a man has two titles to his estate, is it policy to burn one of them? No man in his senses, who drives at the mercy of the storm, and has two or three anchors on board, will fling away one of them, when his means of safety is depending on it. When the act was first introduced, no man was inspired with the many fine reasons, since that time adduced in behalf of its being perpetual; but when the bill came from England, they were new-quicken'd with understanding, and they seem'd to discover a thousand advantages in the alteration, which could not before have opened on their perceptions. That you are invested with the powers of making a Mutiny-act, is evident even by this altered one. A right once acknowledged, makes it an acknowledgment for ever. A Right Honourable Gentleman has said, that the English Minister could not be for ever teized about the affairs of Ireland. I am of a different opinion, for I think it the duty of the English Minister to attend to Irish solicitations, when the interest of Ireland is concerned. A gentleman has mentioned the oath of the Roman soldier; but that oath was annual; the army at length became the army of the General, but not of the State, and Rome was lost. The Volunteers, though they have rendered us independent, have not undergone the form of legality. I had rather live independent by law, than independent without law.

The wisdom and unanimity of this House must remove those difficulties, which lay the kingdom open to any future contention with Great Britain. If an ill-advised Monarch should land an army to take away your lives and property, the merely stopping your supplies could not put a stop to his ravages.—It is true we must pity the state of the British empire; a world depends upon the too-doubtful fate of the sword. Should success no longer attend her, should her foreign settlements be lost, upon whom can England lean for assistance, but on Ireland? And is it policy or gratitude in that state to look with a neglectful eye upon the only remnant of the empire, which has not been wrested out of its hands, by the combined endeavours of that world with which she wages war? One Right Honourable Gentleman has said, that this is an administration of strength; let them shew that strength by not making a division in our unanimity, but yield to the desires of an injured people.

Mr. Yelverton was so fatigued by his late attendance in the Four Courts the preceding night, that he was unable to exert himself, and he spoke so low that it was almost impossible to hear him. The arguments which he insisted upon, in addition to those used

by other gentlemen, were, the unconstitutional method of legislation, which was adopted in the law. He said that parliament had exceeded its powers, in transferring to the King a perpetual authority of legislation, and that the kingdom in the moment it had asserted its right to govern its army, had resigned for ever the power of doing so.

The *Attorney General* said that this law, which had so often in the course of the debate been called by the name of Martial-law, was as different from Martial-law as regularity and good government was from anarchy and confusion; that care had been taken and great industry employed, to impress upon the minds of the people a false opinion of this law. That it was merely a law of regulation passed by ourselves—for an army raised by ourselves—paid by ourselves, and which, by the power of Parliament, might at any time be disbanded. He said, no objection had been made to the regulations instituted by the law itself. No alteration of them had been proposed. The opposition to the law is not then as to its tenor, but as to its duration; to suppose this law would be injurious, gentlemen had been obliged to suppose a time, when the Crown, determined to erect a system of tyranny and oppression, should pour into this country hosts of armed men to trample on the liberties of the people. But if such a time should ever arrive; if a Monarch so disposed, should ever reign, would a biennial Mutiny-bill prevent him? Could it be supposed that such a bill would have more influence than the laws at present in force, which prescribes the number of troops to be kept in this kingdom, and limits to 15,000 men. He said that by this law nothing was granted to the Crown, but many things restrained; and surely it was safer to trust to an army, by law governed and restrained, than to one ungoverned and unrestrained. Much fear had been excited—many chimeras had been raised, that by the hereditary revenue the Crown would be enabled to support an army without the consent of Parliament; but did gentlemen forget that the law which regulates the collection of the hereditary revenue was biennial.—He exhorted gentlemen to dissipate by the light of reason those idle terrors of imagination which had been scattered among the people, whose attention should rather be turned to the improvement of their happy and advantageous situation, than perplexed with fancied ills, arising from abstruse and speculative questions in politics.

Right Honourable *John Foster* said,—I will not enter into an argument concerning protests of the English Lords, prophesying immediate ruin and destruction from a law which has existed ever since, which has existed for a space of 88 years, without either ruining or destroying us; all that has been stated goes against an army in general: I shall therefore give it no answer. But has any argument been offered to shew us why an Irish army should

not be governed by an Irish law? if it should, is not this bill, by which it is now regulated, a gain and an acquisition? To-night we have frequently heard it repeated, that the hereditary revenue alone was sufficient to maintain such an army as might destroy our liberties. How monstrously has this revenue increased in a few days; within this week it was asserted that all our revenues in time of profound peace, were scarcely equal to our military establishment. How then should it be sufficient in such a time of commotion as we must suppose, and indeed the whole danger is suppositious; in a time of civil war, will the revenue increase? That revenue which arises from the luxury and prosperity of the state. But let us go on supposing—suppose an army landed to destroy our freedom, will they enquire how they may do it in the most legal manner? will they come to this House, carefully search the statute book, and if they find Mutiny-law repealed, or altered, and amended, will they quietly retire?

We have already two laws, one that gives an army existence, another which enables it to march; and if the army which shall exist, shall *march* with intentions hostile to liberty, will it *balt* because the Mutiny-bill is altered and repealed. We have lived under the influence of the Mutiny-law for 88 years, without feeling any inconvenience from it, though during that time it was the law of another country; but now that it is become our own law, shall we suppose that consequently it is become injurious? He concluded, as the *Attorney General*, with intreating gentlemen to efface the false impressions that had been made upon the minds of the people; and to direct them to the benefits of industry and commerce.

Mr. *Flood* said, that the Mutiny-bill was stated not to be a grievance, because we had been governed by Mutiny-bills for 88 years; by the same rule it might be urged, that our being denied the benefits of commerce was no grievance, because they had been refused a longer time; and that all oppressions were not grievances, because they had existed immemorially. He said, that at so late an hour he would not trespass longer upon the House.

Mr. *Toler* said, that general arguments against standing armies did not apply;—that since taxes had become a commutation for personal service, since the increase of the empire, and the extent of commerce in Europe, armies are become necessary in time of peace, as a security against the force of neighbouring states. The discipline of the army is entrusted by our laws to the first executive magistrate. The unity of his power should be guarded in this instance, as the succession to the Crown has been secured in another. There ought to be but one law for regulating the army of the empire; the framing of that law had been granted by the English Parliament to the King—we adopted it as we found it,

having acted under it for near a century. The mode that had been pursued was the only one to avoid the hazard of future contest on the subject: Such a contest might lose that law for which we lately contended; it was by that law that we gave to the Crown a sanction to legislate for the army. If the army is a monster, we should not unchain it; and by letting it loose on its keeper, send destruction through the land. If the *same law* be necessary to the discipline of the army of the *whole empire*, the making of that general law must at all times be submitted to the Sovereign. By the law of the land, of which the Bill of Rights is declaratory, no army can be kept on foot in time of peace without the consent of Parliament. By the biennial law, parliament retains the power of the sword for every material purpose; it ascertains the number, the duration, and the supply of the army. If the articles of war are to be the subject of consideration every two years, future parliaments may not be as temperate, nor future ministers so little addicted to despotism as the present. A more relaxed discipline may be the object of the one, a more rigorous discipline might be sought for by the other. The uniformity of the military code may be endangered—as to Rome, the form of her military oath was invariable.—The annual swearing of the soldier did not disturb the law—the indeed fell a victim to her army, but to an army that had lost that discipline, which enabled her to conquer every thing but Romans. When the parliament of Charles the 1st tampered with the army, the Monarch was overturned, a Protectorship was set up and abandoned, and that same parliament was in its turn a victim to the soldier. The character of soldier should be kept distinct; you should not involve him in speculative discussion, or teach him to make a bauble of your mace.

Mr. *Serjeant Fitzgerald* was against the motion.

Mr. *Fitzgibbon* took a part in support of it.

General *Cunningham* reprobated the idea that the bill they wished to repeal was dangerous, or could be considered in the light of the British Mutiny-bill.—He said the mover of the question, Mr. *Grattan*, knew he was upon bad ground, and he had felt so in a former session, when all his eloquence, which had so much effect in general, had in this question none at all. He had seen the operation of the bills and examined its nature; that he saw the former salutary and the latter innoxious.

For the motion,	—	77
Against it,	—	133

WEDNESDAY, NOVEMBER 14.

Received and read the report of the committee of ways and means, and agreed to several resolutions of the committee. Seve-

ral instructions were moved and ordered to the committee, and they were ordered to sit again to-morrow.

THURSDAY, NOVEMBER 15.

Mr. *Foster* having moved the order of the day, for going into the ways and means, Mr. *Latouche* moved the House, to order the attendance of *Leland Croftbwaite*, *James Anderson*, *Thomas Leary*, *Edward Byrne*, *George Maquay*, *John Sutton*, and *Bartholomew Maguire*; and also moved, that as it was a matter of importance, on the equalization of the sugar duties, that the witnesses should be heard by council at the bar.

Sir *Hercules Langrishe* acknowledged that the question was of importance; but he thought it was not customary to hear council on such occasions. In cases of calculation it were better to leave the matter to the judgment of the House.

Mr. *Metge* could see no impropriety in allowing council; it was but justice, as they were only brought to prove the case, and if they could not prove it the business must consequently fail.

Mr. *Latouche* said he thought the opposition extraordinary, when a promise had been so lately made, that nothing should be precipitated.

Mr. *Foster* insisted, that it was a standing rule of the House, that no council should be heard in respect to any taxes whatsoever. The introduction of council in such cases would be endless, productive of extraordinary confusion, and create delay.

Mr. *Forbes* said that this was the very time to prevent delay by the admission of council, and laying a clear state of the case before the public.

Mr. *Brownlow* was of opinion, that the introduction of council at the bar, would create confusion, and embarrass the question. He confessed himself dissatisfied with the proceedings in the last session on this affair; but thought the examination of the merchants would be simply better than council.

Mr. *Henry Flood* said he thought the examination of the merchants best, could they be divested of their partialities. The parliament of England heard council against the emancipation of Ireland. If the British parliament allowed such liberty to the merchants, how strange a measure would it be, to refuse the same to the infant merchants of an infant commerce? In contested elections, a nominee is allowed on each side, and could they refuse to allow the whole merchants of Ireland an advocate, when allowed in other cases? Their determination of last session appeared evidently wrong; there was therefore a great necessity for council to state the matter in its proper light.

Mr. *Eden* said, the argument drawn from contested elections did not hold good in the present case. A matter of determination

held no analogy in respect to taxes. No body of people could be set in competition with the scrupulous nicety of the House; and the introduction of council on this occasion, would be productive of bad precedent in the levying of all future taxes, which would be opposed in the same manner, to the great delay and interruption of the national business.

Sir Henry Cavendish declared himself against council.

Sir Frederick Flood adduced an additional reason—that if council were not admitted, many gentlemen would absent themselves; but when men of abilities pleaded, they would have some incentive for remaining in the House.

Mr. Fitzherbert Richards contended that the matter was misunderstood. The West India Islands were not a market for sugars: They were sent to Great Britain at the risk of the growers. In this case, the duty must fall upon the planter, but in Ireland it solely fell upon the consumer. When the planter was necessitated from the peculiar circumstances of tenor and proprietorship, to send his sugars to the English market, the buyer did not mind the duty imposed, and the planter must be content with what the market would bring.—Could any merchant here do as much as an English merchant? The estates were English, and the English had the first preference at market. The Irish can therefore be only competitors at second-hand.

Mr. Gamble gave his negative to hearing council.

Mr. Parnell thought the question meant no less, than that the House was not able to enter into competition with the gentlemen of the long robe.

Mr. Meade Ogle said, every man within the walls of the House must be sufficient council for the trade of Ireland.

Mr. Bushe asked, was it the custom to hear council against facts? If the House, in one instance, admitted council, they could not refuse it in another.

Mr. Leigh declared himself against council.

Mr. Henry Flood spoke again to the propriety of hearing council, and supposing the merchants even wrong, yet for conviction of truth and justice, they should be heard by council, as it was a matter of regulation and not taxation.

Mr. Burgh, of Oldtown, could not separate the idea in the present instance of tax and regulation. If council was allowed, ten men would not remain in the House to hear them; and the House had as good a right to judge as lawyers.

Mr. Ogle did not look upon the matter as of any great consequence. But thought it would be no bad precedent to gratify those people upon whom our commerce depended, though at the expence of establishing a precedent.

Mr. Foster thought the committee of ways and means not in the situation of a special committee, where council might be

heard. If council came before the House it was to state facts, it was dictating to parliament instead of leaving it to its own wisdom. He had the honour of being more than once a nominee, but it never could influence his impartiality, nor make him lean to one side more than to another.

Mr. *Forbes* said, he could shew from the Journals that council had been admitted before general committees, for twenty or forty years back.

Mr. *Foster* explained upon what cases, and said they were not similar to the present.

Mr. *Montgomery*, of Cavan, spoke to the necessity of hearing council, in behalf of the ruined refinery of Ireland.

Sir *Lucius O'Brien* was also of opinion with others, that it was a matter of regulation and not taxation. In England, in a similar case, Mr. *Glover*, who had been a member of the House, was admitted, in a question about the American commerce, to speak in behalf of the merchants in London, as their advocate, at the bar of the House. He should be sorry that an idea should get abroad that the merchants were not heard in a mere matter of regulation.

The *Provost* said he confessed, that in all cases of law, it would be an absurdity to deny council; but it was contrary to the matter of taxation. He asked them if they should admit council to point out their many changes and differences of opinion? He had as great a regard for the interests of the merchants and the welfare of the nation as any other man, but he could not consider the hearing of council as a circumstance that could give any additional light on this subject. Why should an idea be sent among their constituents, that the merchants of Ireland could want advocates in that House. The Right Hon. Gentleman (Mr. *Flood*) was himself a greater advocate for their commercial rights than could appear before the House in a gown and band. Every gentleman in that House would be one, to which he should be happy to add his own humble abilities.

Mr. *Crookshank* spoke to the necessity of council, and Mr. *Chapman* against it.

Mr. *Grattan* said, if they had admitted the petition, they could not refuse council to state the nature of it. The principle must go, he said, as much against the petition as against council; it was not a question of taxation but of commerce and regulation.

Mr. *Yelverton* observed, that one gentleman said, that council should not be heard against a matter of taxation; another, that they were a sufficient council in themselves; and yet, the order of parliament went as decidedly against the petition as against council. What was the principal use of council? Why, to put a matter in the clearest light possible. When they received the petition, was it not to enable the merchants to enforce and arrange

the contents of it? What language did they hold out to the merchants?—"We have received your petition, but will not suffer you to go into a proper mode of proving your facts." He found the House had no objection to the merchants going into a wild rambling manner—they had no objection to the worrying of a witness, but had every objection to drawing out the truth. They should not look into the dead letter of a rule, but into its reasons; not into the tax, but its operation. Without such considerations, the splendid advantages held out of a free trade, must fall to the ground, an object of delusion and disappointment.

Mr. *Metge* said, that Great Britain had granted a free trade, but how could its advantages be enjoyed if the hands of the merchants were thus tied up by parliament?

The House having divided on the motion, there appeared

Ayes	—	54
Noes	—	105

Tellers for the Ayes, Mr. *Latouche*, Mr. *Forbes*.

Tellers for the Noes, Mr. *Mason*, Mr. *T. Burgh*.

The House resolved into a Committee of Ways and Means, Mr. *Monck Mason* in the chair.

The *Attorney General* gave notice, that he would move in respect to the duties on wines, and then proceed to the sugars.

Sir *Lucius O'Brien* expressed his surprise at the bringing it on so soon. It was extraordinary, he said, that matters of the last moment should be reserved for such hours, and the House kept sitting 'till five and six in the morning, before proper notice was given for affairs of the last consequence.

Mr. *Burgh* thought it extraordinary they should go into the wine business, without knowing the result of the Portugal affair.

The *Attorney General* asked, if any gentleman could imagine that the great Money-bill could be postponed 'till we heard from Portugal?

Sir *Lucius* said it was exceedingly necessary to know about what they called a negotiation with Portugal?

Mr. *Eden* said he would beg leave to lay before the House every thing he knew of the Portugal negotiation. He then read part of a letter which he had received from the Consul of Lisbon, accounting for the delays which had arisen in the business in the court of Portugal, and mentioning that dispatches had been sent from the court of Lisbon in October to their Minister in London, referring the matter to be settled by him with the British Minister; and he concluded the instructions having left Portugal only in October, it was idle to suppose the business could have been completed by this time. It was what he had not expected; what no man had supposed. He could not however, think this delay a reason for stopping the general supply. That if the result of the negotiation should prove dissatisfactory, parliament had still means

left for shewing their sense of the injury the nation had sustained, and of vindicating their dignity and their right. He, however, hoped, there would be no occasion for the exertion of those means, and he trusted the House would not resent too soon.

This explanation not satisfying Sir *Lucius O'Brien*, he said he should oppose going into these duties; and he was supported by Mr. *Flood* and other gentlemen; when, after some debate, Mr. *O'Hara* moved, that the several duties should be granted for six months only. This produced further debate, and the question being first put upon the French wines, the House divided,

Ayes, — 47

Noes, — 107

The House then divided on Portugal wines,

Ayes, — 47

Noes, — 108

Then the question on Spanish wines was put and negatived, without a division or debate.—This roused Sir *Lucius*, who said such treatment was in the highest degree indecent, not to admit even the hearing a matter of such importance as Spanish wines. He thought ministry depended too much on majorities, when matters of moment were determined by mere *ayes* and *noes*, and not suffered to be discussed and investigated,

The *Attorney-General* answered, that he thought instead of censuring, the Honourable Baronet ought to pay every compliment to administration, for their patience and long suffering; that the question before them was not then introduced for the first time, but had been discussed day after day, night after night, especially by the Honourable Baronet, who was the alpha and omega of commercial debate. As for himself he had listened to him with pleasure and attention, 'till he thought he had said every thing that possibly could be said on the subject, and he should never have suffered the question to be put at all, if the House had not seemed to be of opinion that it wanted no further discussion.

Sir *Lucius* answered, that this question was on Spanish wines, which had been only discussed by himself; and that the whole trade to Spain was involved in it, and that the duties as proposed were contrary to a treaty.

Mr. *Foster* said, that when the Honourable Baronet had before stated his reasons for objecting to the duty proposed, he had himself replied to and answered them all; and the Baronet having said the question had not been debated before, he would refer him to the argument he had used, when it had been before debated.

Mr. *Eaen* said, that after the Honourable Baronet had stated, on a former night, some objections to the duties on Spanish wines, he had examined the treaty with them, and the British duties as a guide for his opinion; that he found the British duties on Spanish wines were higher in England, though not considerably, than those on

Portugal wines. They were however higher, which was sufficient to convince him, that there was no occasion to alter the duties proposed here; which had for some time existed, and against which there was no complaint.

FRIDAY, NOVEMBER 16.

The House in a committee of ways and means, read the petition of the Sugar Bakers, praying relief from the ill effects alledged to have been produced by the equalizing duty on sugars, of last session.

The first person produced in support of the petitioners was Mr. *Leland Crossbwaite*. Upon his being brought before the committee, a question arose, whether the evidence should be examined upon oath; the necessity of which was strenuously urged by the *Provost*, Mr. *Metge*, Mr. *Flood*, Mr. *Latouche*, and Mr. *Ogle*. They said, that in a matter of this great national importance, whereon the very existence of our West-India trade depended; a matter that had fixed upon Parliament not only the attention of the people of this country, but also of the neighbouring nation, it would be necessary to make the most solemn enquiry into the grievance complained of; that, if the petition was well founded, proper redress should be given; if not, that the act of the last session might stand justified.

The *Attorney-General* opposed the administration of an oath. He said, that to such respectable persons as had put their names to the petition, he would give the utmost credit upon their word; that he believed no person in the House could entertain a doubt of any FACT which they might alledge; but in reasoning upon those facts, in drawing conclusions, and forming opinions from them, he thought it hard that gentlemen should be restrained by an oath; it was, he said, not only contrary to the practice of parliament, but contrary to law to examine, on oath, any person, in a case, by the issue of which he could gain or lose. The principle was founded in the benignity of the law, which would not impose the torture of an oath on a man, in his own case; because, if that bias which every man has to self should mislead him in any court of record, he would be highly punishable: But it has been said, continued he, that the people of England attend to the decision we shall make in this business. What is the conduct of the British Parliament in similar circumstances? Do they examine petitioners on oath? No. And shall an Irish merchant be treated with less respect than an English one? Shall the bare word of an Englishman be taken as an evidence, whilst an Irishman is put to his oath? No. I hope this House will never degrade our merchants in such a manner. I hope it will always be allowed that honour sways, at least, AS POWERFULLY in the breasts of my countrymen as any other people upon earth.

Mr. *Grattan* desired to know if gentlemen were afraid of the appearance of truth, that they refused to swear the merchants? Were they afraid to know the sense of the nation? Is the merchant partial, said he—then the whole nation is partial; the whole kingdom is interested as well as the sugar-baker. He desired to know, if a number of petitioners were to come to the bar, and swear that if a certain law was not repealed, they would be ruined and destroyed, whether gentlemen would not give credit to their oaths?

Mr. *Fitzgibbon* said, that if their being ruined and destroyed depended on eventual circumstances, that might or might not happen, a promptness to swear positively in such a case, would rather weaken the force of their evidence; and as to being afraid of the appearance of truth, the want of confidence in the merchants veracity, seemed rather to rest with those who insisted on having them sworn, than with gentlemen who were to give the fullest credit to their words.

Mr. *Eden* said, that he was always an enemy to the too frequent administration of an oath; as many gentlemen about him had often heard him declare in conversation long before the present subject was had in idea. He thought it would be fettering the petitioners in their opinions; he wished to know their sentiments at large, as well in speculation as in facts; that as the House had the utmost reliance on their veracity, it must more conduce to the information of gentlemen, and the advantage of the nation, if they were freely admitted to expatiate at large.

The question was then put, whether the committee should adjourn, in order to obtain authority from the House to examine petitioners on oath.

Ayes for adjournment,	—	—	47
Noes,	—	—	79

The committee then proceeded to examine Mr. *Croftwaite*.

As the whole of this examination would make a considerable volume, we shall only insert the debate drawn from it, in its proper place.

Mr. *Yelverton* said—Sir, I am going to propose a resolution for regulating the mode of admitting gentlemen to the Irish Bar; it would, perhaps, less become me than any other Member of this House to throw difficulty in the way of men of genius and ability, who entertain the laudable ambition of entering into the honourable profession of the law; but I would wish to distinguish between gentlemen who intend to be called to the Bar as advocates, with a resolution of maintaining the dignity of the profession, and some who, like those who have lately been a disgrace to it, may after they have been called to the Bar as advocates, be obliged to hold up their hands there as criminals. The

wisdom of our ancestors decreed, that before any person could be called to the Bar, he should spend five years in one of the King's-Inns in England, in learning (or, as the act more forcibly expresses it, in endeavouring to learn) the law. In the course of those five years, the student must actually attend eight terms. Now, my design is to alter the time of probation, by permitting him to enter his name, at least four times more, in the King's-Inn Society in Ireland. He then proceeded to explain the nature and establishment of that society. He said his idea was not novel, for some persons now living could remember that society in the practice of enrolling persons who were candidates for admission at the Bar; and this practice he wished to revive. He said he had communicated his scheme to most of the Judges and other honourable benches of that society, who all approved of it. He wished, in the new building that is now carrying on for public offices, to erect a hall and a kitchen on the same plan as those of the societies in London: And to that end, he moved that the sum of 5*l.* stamp duty be laid on every skin of parchment, on which shall be written the admission of any person to the Irish Bar; and this tax he would appropriate for the purposes above-mentioned.

SATURDAY, NOVEMBER 17.

Sir *Lucius O'Brien* moved the House to come to the following resolution:

“That upon the restoration of peace, the new and extraordinary duties on Spanish wines, imposed, for the first time, last session of parliament, should cease; and Spain be put on the footing of the most favoured nation, agreeable to treaty.”

He supported his resolution on the ground of the great advantages that Ireland would reap from the commerce of Spain; to prove which, he adduced many arguments; and particularly insisted, that as Cadiz alone exported more linen to America than all Europe beside, it was our interest to cultivate the friendship of Spain, to acquire a share of this linen trade.

Mr. *Eden* said he always heard the Hon. Baronet with pleasure, on every subject, particularly on that of trade, in which he displayed such knowledge; but he submitted to his judgment, whether it would not have a very odd appearance if that parliament which had just granted a duty to the crown, should saddle it with a clause to render that grant ineffectual; for the additional duty on Spanish wines could have no operation 'till peace should be restored; and whenever that happened, they were, by this resolution, to cease.

The *Provost* said, that the first part of the resolution—"the new and extraordinary duties on Spanish wines, imposed, for the first time, last sessions of parliament,"—seemed to cast a censure on the grant we are now making, in renewing that duty; and the latter part of the resolution may happen to be erroneous, as, in a new treaty of peace, Spain may not be put on a footing with the most favoured nation.

Mr. *Daly* said, he thought it improper for a nation like Ireland, just emerging from obscurity and restraint, to run precipitately into the explanation of treaties, with which hitherto she hath been so very little conversant: He would rather leave the management of such matters to the British Minister. Besides, he feared that disposition which impelled Spain to accede to the family compact, for the avowed purpose of destroying the naval force of England, and exalting that of France, would scarcely entitle her to be put on the same level with Portugal in a new treaty.

Mr. *Foster*, Mr. *Fitzgibbon*, Mr. *Parnell*, and Mr. *Bushe* spoke on the same side.

These sentiments seeming to prevail in general through the House the resolution was dropped.

MONDAY, NOVEMBER 19.

The House received and agreed to the report of the committee of supply on the three Money-bills, but before the bill which grants the army came to be read.

Mr. *O'Hara* rose.—He said he felt himself in the melancholy situation of a man who had just been deprived of his liberty, and finds himself under the influence of an arbitrary government; that all which in a former debate had been said to prove that the Mutiny-bill did not grant an army to the Crown, but was merely a bill for regulating the army granted, had no weight with him, as he well knew that it enabled the Crown to enlist men; that it bound those men to implicit obedience during life, or until discharged; and that it was even compulsory on Civil Magistrates and various other descriptions of men, to assist it in its execution; that as it was unlimited in its duration, so must the army be that was under its influence; and that it was still more powerfully assisted by the act for augmenting the army to 15040 men, which in his opinion was a stronger recognition of right of the Crown to maintain a standing army, than even the Mutiny-bill itself. That where there was a standing army liberty must expire, every author who had written on the subject must allow, especially when the Crown had in its power a fund sufficient to support one with-

out the aid of Parliament; and that this fund was no other than the hereditary revenue, which he asserted had for many years been more than equal to the expences of our military establishment. He then proceeded to shew that this was the proper time to apply a remedy, for when the Parliament should expire, as under the octennial law would soon happen, the Crown possessed of an army governed by a perpetual law, and supported with a perpetual fund, would have little occasion to assemble a new parliament, as it would then be in a condition to impose laws itself; he would therefore move, that the heads of a bill for granting 15040 men should be recommitted, and that it should be an instruction to the committee to insert the following proviso, "Provided always that said forces shall continue for two years, and no longer; any thing in this or in any other act to the contrary, contained in no wise notwithstanding."

Mr. *Henry Flood* declared, that in his opinion this law, being itself biennial, did not or could not grant the army for more than two years: He did not think that even supposing this proviso introduced in it, it was a remedy adequate to the ill effects of the Mutiny-bill; he thought therefore the Hon. Gentleman had better withdraw the motion, especially as the Members were not come prepared to debate this matter. The proviso was withdrawn.

TUESDAY, NOVEMBER 20.

The House in a committee went through the Money-bills that were ready, and the Speaker resuming the chair, the report was ordered to be received to-morrow morning. Pursuant to order, the House then resolved into the committee of ways and means.

Previous to entering into this committee, the *Attorney General* expressed his wish, that all the duties relative to sugars, except that on lump and bastards, should be first settled; but this idea being opposed by Mr. *Henry Flood*, it was dropped.

The *Speaker* resumed the chair, and Mr. *Mason* reported some progress.

Ordered to sit again on Thursday, and finally to determine on the sugar equalization duties.

Mr. *Fitzgibbon* moved, that to-morrow the House may sit in committee on the heads of a bill to amend the laws for regulating contested elections.

Sir *Henry Cavendish* said, that though he pretended to no more than a common understanding, he saw such objections to it, as made him wish it might lie on the table for some time, as these heads of a bill struck at the rights of the constituents, and laid a burthen on one part of the House that was not equitable.

Mr. *Fitzgibbon* answered, that those heads of a bill had lain on the table during four months last session of Parliament, and, continued he, I shall make it clear and satisfactory when in that committee, to any gentleman of common understanding, that there is no such thing as the Hon. Gentleman, with his common understanding has found out.

Sir *Henry Cavendish* said, his common understanding was sufficient to conduct him through life, and prevent his sneering at any gentleman's delivering his opinion. They were called to order, and the motion was agreed to.

WEDNESDAY NOVEMBER 21.

Order of the Day was called for and read, for the House going into a committee on the heads of a bill for the better regulating of trials of controverted elections, for members to serve in parliament.

The committee sat, Mr. *Dillon* in the chair.

On reading the bill, when they came to the clause for excepting particular members, holding certain offices,

Mr. *Fitzgibbon* arose and said, that notwithstanding his former objections to exempt his Majesty's principal Secretary of State, and some other gentlemen in office, he had found on a proper enquiry, that the office of principal Secretary of State was an office of business. He then moved to except the principal Secretary of State from being of the committees, for the trial of controverted elections.

Sir *Henry Cavendish* opposed the whole of the clause, for excepting any member whatever. He was of opinion the clause was novel and unparliamentary; that the primary duty of every member was the duty of the House, notwithstanding any other public employment they might be in; it was partial to put the business upon part of the Members, and to exclude others from their share of what ought to be equally participated by the whole, and thereby deprived the nation of the assistance of gentlemen of the first abilities.

Mr. *Fitzgibbon* declared he was not for insisting on the clause, but leaving it to the pleasure of the House.

In this, he was supported by Mr. *Denis Daly*, who said, that whatever could be urged as a plea, to exempt the persons named in the bill from attendance on committees, might with good reason be urged against their becoming members of parliament at all; but being members of parliament, nothing, except bodily infirmity, should exempt them from attending every duty of the House.

This being the general opinion, Mr. *Fitzgibbon* withdrew the clause of exemption.

THURSDAY, NOVEMBER 22.

The House resolved itself into a committee of ways and means for raising the supply granted to his Majesty.

The *Attorney-General* rose to make the motion for regulating the duties on raw and on lump sugars imported.

He was opposed by the Right Hon. *Henry Flood*, who said, that it would be the highest abuse of parliamentary faith to precipitate this business, to which the House had agreed to give the most solemn investigation. That Sir *Samuel Bradstreet*, Recorder, and Representative for the City of Dublin, had presented a petition from that great and respectable body the Corporation of Weavers, and if witnesses were not called to prove it, if petitioners were not examined, it would shew the determined resolution of the House to treat the people with contumely, to refuse to listen to any man that could give information on the subject, to rob the nation of the benefits of that Free Trade, for which we were said to be under such mighty obligations to England; and, instead of finding employment for our industrious manufacturers, to plunge them again into that ruin and distress from which they had had but a short, a temporary redemption.

The *Attorney-General* said, he appealed to the House, appealed to the public, whether he had ever treated the people with contumely? No, he loved the people, and love was incompatible with contumely. He thought it hard, that after having sat for several days to hear and examine witnesses on this subject, the House should be taxed with a breach of faith, and that it should be asserted that a solemn investigation was refused: He was there in his place at a proper hour, he had not hastened the business, it was now near five o'clock, and full time to begin; and he could not but think it singular that gentlemen, who had been in such a violent hurry to throw this business into a special committee, contrary to the desire of the merchants themselves, merely for the sake of expedition, should now impede the progress of the enquiry they would seem to forward, by petitions from the Weavers Corporation. He knew, he said, how such petitions might be procured; an active busy man was employed to run about among the manufacturers to persuade them that their trade was in danger; the consent of some to a petition was procured by these means, the consent of more by other means; but he was happy to find that the true sense of the manufacturers, who were all employed, were happy and content, and was not contained in the petition. He acknowledged that the Weavers were a respectable body, so was every other body corporate in the city; but were they better judges of the sugar baking than the Sugar Bakers themselves? Are they brought to prove that the sensible, candid, and well-informed gentlemen who have given the House so much satisfaction, who

have honestly shewn that the law complained of has given ample guard to our manufacturers; are the weavers called to prove that those gentlemen know nothing at all of the sugar baking trade, of which the Corporation of Weavers are the only competent judges?

The *Provost* spoke a few very respectful words of the Weavers Corporation, of which he said he had the honour of being a member; he thought that being much affected at the export trade, for which this nation must receive sugars in return, they might be examined as part of the Sugar Bakers evidence, without the trouble of the committees adjourning to have their petitions regularly referred from the House.

The *Attorney-General* said, to shew his regards for the people, and merely to satisfy them that their best friends were not those who painted their situation in horror and distress, and though he knew the petition was procured with an intent to do mischief, yet he trusted out of it to draw at least this benefit—that the people should see the House hearing their complaints with complacency, and turning every circumstance to their advantage.—He hoped, however, that the business would not be expedited by petitions from every other of the twenty-five corporations, to whom equal respect was due, and whom the House could not refuse now to hear on the subject of sugar baking, without manifest ground for the charge of partiality.

Mr. *Henry Flood* asserted, that the people were not happy, that the manufacturers were not content, and compared the style in which the House treated their petitions, to that assumed by the British on the American affairs, who had refused to hear their petitions.

To this Sir *Boyle Roche* replied, that it was odious to compare our dutiful and loyal fellow subjects to the people of America, that they had been loyal ab origine; loyalty was their charter, their characteristic, and that he knew the present petition was the act of a mere party.

Mr. *Martin* said, that pretending to refute arguments that might be offered without hearing them, put him in mind of a Roman Emperor, to whom a triumph was declared, though he had never seen the enemy.

The weavers evidence was examined: His testimony went to prove, that as the West-India islands paid for the commodities of Europe in sugars, &c. every impediment laid in the way of their sugars, was a check to the exportation of European commodities; and therefore the exportation would be greatest from those countries of Europe to which sugars would be returned with most facility.

The *Attorney-General*.—We are agreed on all hands as to the duties that are to be laid on the raw material and on the bastard; the only difficulty that remains with gentlemen is in what manner

we shall porportion the duty on refined sugars. In the last session when we were about regulating this business, and when we had ascertained the duty at 9s. 2½d. on refined sugars, this House was filled with prophecies, and predictions of ruin and desolation to this country; yet, the *friends of Ireland*, who founded that law in wisdom, have had reason to *exult in its success*, for though it was then asserted in parliament, and promulgated to the people, that we never should have a direct trade with the West-Indies; yet experience has proved the falsehood of those predictions; experience has shewn, that notwithstanding the general inconvenience arising from a war with the most powerful maritime states in Europe, yet our direct trade has taken place, and our importation of English refined sugars has sunk from 1-12 to 1-32 part.

The quantity of refined sugars imported from England, and never exceeding 1-12 of our consumption, far from injuring the refinery of Ireland, has only prevented it from becoming a monopoly; the very small competition of a 1-12, now fallen to 1-32, is only to be considered as a guard against combination, though the politician who represents the weavers says, that we should grant our refiners a monopoly; yet I very much fear his constituents would be little obliged to him for depriving them of the use of sugar, now become a necessary of life, for some years; which, in his opinion, it will take to establish our West India trade, and during which interval, if a monopoly was granted, we should be absolutely at the mercy of our sugar refiners.

It has been offered as an argument against the tax, that several of our sugar-bakers have stopped working since the last regulation duties; but this is a calamity under which England suffers in a greater degree; this is to be imputed to the war and not from the duties, as from the testimony of a most respectable evidence, and from the testimony of our own reason, grounded on fair arithmetical calculation, we know that our refiners have still near 6s. advantage in the duties. This cannot be controverted: We have therefore only to preserve the advantage we possess, by raising our duties against English refined sugars, as the English parliament raise their bounties on the exportation; and the English parliament having since our last duty of 9s. 2½d. granted a draw back or bounty on exportation of 12s. we, in order to counteract this bounty, must now lay on a duty of 12s. so that the duty on importing a hundred of refined sugar will be 1l. 1s. 8½d. or in the whole, 1l. 13s. 8½d. I therefore move you “that a duty of 1l. 1s. 8½d. be laid on every hundred weight of refined sugar not being bastard, and on every hundred weight of candied that shall be imported into this kingdom from Great Britain, from the 25th of December, 1781, to the 25th of December, 1783.”

Mr. Metge thought it would be better in the first place to establish the duty on the raw material, that by this we may be guided

in apportioning the duty on refined. This opinion was supported by Mr. *Burgh*, Mr. *Flood*, &c. and the *Attorney-General*, desirous to conciliate the opinions of every member, relinquished his intention of first proposing the duty on refined, and moved “that the sum of 12s. 8d. be paid on every hundred of raw or Muscovado sugars imported into this kingdom, from the 25th of December, 1781, to the 25th of December, 1783.”—This resolution passed, and the *Attorney-General* then moved the resolution on refined, as already recited, but in such a manner as to consolidate the old and additional duties into one sum.

Mr. *Henry Flood*.—This question is of the most general nature, and open to the most general reasoning, and sensible to the most common apprehension; it is idle in gentlemen to be afraid of it, or run away from the discussion, lest they should be involved in fatiguing and complicated calculations. It is a question of a general nature, and of the utmost importance; and in it are involved the consideration of our rights, as an independent nation, and our rights as connected with Great Britain.

Ireland is an independent kingdom; she has a completely free and supreme legislature of her own, and has accordingly a full right to enter into commerce, and conclude treaties with every nation upon the globe. Here I set my foot, can any man deny—can any man controvert this position? I call upon the host of Crown lawyers. Can even the representative of administration in this House deny it? He dares not; and his silence I interpret into acquiescence.

If any man will attempt to refute this position by proofs, I will listen to him; but if any shall adduce meer arguments and opinions, I am ready to lacerate and explode them.

Having a right, as an independent kingdom, to trade and treat with all the world, let us examine the deductions from this principle.—Nations who have separate estates and separate Kings, if in amity with one another, are entitled by the law of nations to reciprocal favours from each other, or according to the terms of Federal language, to the *Jura amicissima gentis*. If their kingdoms, who have separate Kings and separate interests, are intitled to the *Jura amicissima*, to what are we intitled from England, with whom we are united by joint interest, and under the same King.—Further; nations who are intitled to the *Jura amicissima*, have those rights upon the truest footing, when the reciprocal advantages gained by the mutual intercourse, exactly balance. When such intercourse inclines in favour of one nation, and the intercommercial exchange nevertheless continues, that kingdom, in whose favour the scale preponderates, is under an obligation to the other, who suffers a trade to exist to its disadvantage.

These positions being general and incontrovertible, let us see whether we have applied them in managing our trade. Our con-

duct is the reverse of these maxims. We have not secured our independency; we have not demanded the *Jura amicissima*; and having established our commerce on principles the most favourable to Great Britain, *we* have in addition submitted *ourselves* to the disgrace of *obligation*. Had we attended to our independence in this question, we should not have granted 100,000*l.* a year in tax, without stipulating for the repeal of that law, which confines our trade on the very article on which the tax is imposed. Does not the 6th of George III. stand unrepealed, in which we are forbidden to trade with the colonies of other kingdoms; a law which was framed to tax America and to continue Irish slavery; a law which has torn, ruined, dismembered, dissipated and destroyed the noblest empire that ever flourished in the world; yet this law was offered to be repealed in favour of America.——We have regulated our commerce so as to give all the profit of it to Great Britain, and exclude it from ourselves; we have shut ourselves out of the trade of the world in favour of her colonies, and then excluded ourselves from ever trading *with them* in favour of *her refiners*; and what is more absurd, still we profess ourselves to be *obliged*, and gentlemen talk of our *obligations* to Great Britain for the colony trade. Sir, it is no obligation; it is commutation, it is purchase; we have given up for it the trade of the world, to which we have the amplest right; and we have purchased it by the revenue we have granted; by the assistance we have afforded, and by the relaxation of the non-importation agreement.

There is a further disgrace in the manner in which we have managed our trade; we have most heavily burthened the material of the manufactures which we want to encourage; and under the colour of regulation, we have imposed an enormous tax to increase the influence of the state. When Lord *North* moved his conciliatory propositions to America, he gave up the idea of internal taxation, reserving only the power of regulation: Yet the colonies saw through the artifice of the term regulation, although the taxes amounting from it, were after a certain sum, to go to the credit of the province. Yet we have disdained the policy of the colonies in both instances, and have given the British minister power to tax us *ad libitum* under the form of regulation; and instead of the money raised by regulations being applied to special purposes, to the credit of the nation, or the relief of our manufacture, we have made it a government fund. I will now proceed to the manner of laying the sugar duties; and here we must distinguish between a tax of burthen, a tax of indemnification, and a tax of protection. Whatever tax is laid upon a raw material is a tax of burthen—of burthen to the manufacturer.—Whatever is imposed as a drawback, is on the principle of indemnity and compensation. But a tax of protection goes farther, it exceeds the idea of indemnity.—How then are we circumstanced? We have an infant and trembling

manufacture, we have a rich and powerful competitor : Instead then of adapting our laws to our circumstances, we have reversed the order of things ; when we ought to have encouraged the manufacture, instead of lightening, we have added an enormous weight of tax, and in the height of absurdity, have used the duty of indemnification instead of the duty of protection. Had we followed the ideas of prudence, or considered our rights on the terms of compact, we should have laid the same prohibitory duty as Great Britain has done. We have a right to our own market and our own consumption. We see the jealousy of Great Britain in this respect, and it cannot be wrong policy to follow the steps of the greatest commercial country in the globe. If, however, the idea of prohibition was disliked, we ought at least to have followed the principle of our duties before the free trade commenced ; the duty then was 1*s.* 8*d.* upon raw, and 12*s.* 4*d.* on refined from England ; the duty now is 12*s.* 8*d.* upon raw, the duty on refined should therefore rise in the same proportion ; and though such a sum might exceed the prohibitory duty, yet it being laid on the principles of our old duties, England could never object to it. Last session 5*s.* 6*d.* were to be laid upon raws, and 12*s.* 6*d.* on refined. I ask whence does this disproportion arise ? Can any man argue it ? Can any man reconcile it ?—Mr. *Flood* then went into other calculations, still keeping to the idea of the prohibitory duty, which he urged upon the grounds of *expediency, necessity, and right* ; and concluded with an appeal to the sense and feelings of the House.

Mr. *Metge* said that however his opinion might have been formerly, he was now convinced from what Mr. *Flood* had said, that a prohibitory duty was perfectly expedient and right ; yet, as there might be objections to that measure, he should resort to the principles on which he had acted in the last session, and propose that duty which then met the sense of Parliament. That in order to produce a proper protection for the Irish refining, he had adduced a duty of 12*s.* and that he should propose an addition to the present duty equivalent to that idea ; that the Irish parliament had also approved of that duty, and the English parliament had also approved of it, and what had been the declared sense of the two legislatures, each contending for the protection of its own refining, was a very strong argument, which he could not resist ; however, one of those legislatures, for reasons which he could not comprehend, had changed their sentiments afterwards ; if the legislature of Ireland had not been consistent, it was no reason he should be otherwise.

Mr. *Beresford* said.—The question of this day appears to me to be rather a revision of what was done in the last session of parliament, than a debate upon what shall be the proportion of duty now laid on refined sugar, to counterbalance the new duty now to be laid on the raw material, and this will lead me in the first place, into an examination and justification of the principles which

were the foundation of what was done last year, which I shall endeavour to shew were right in themselves, and that none of the bad consequences which were then prophesied, and which are now asserted to have followed, have really arisen from that measure. I shall then endeavour, to answer such arguments as I have heard adduced on the other side, and to shew that the situation of the Irish refinery will be, when the duties at present proposed are laid on, such as will virtually exclude the British refiner from the Irish market.

In the year 1780, the parliament of Great Britain granted to the Irish a free trade, to their plantations and colonies, upon condition that we should import and export the commodities thereof, upon equal duties with the people of England.

Sugar being one of these commodities, it was necessary that we should equalize the duty payable upon it here, with that payable in Great Britain; the duty there being 7s. 2½d. and here but 1s. 8d. it was necessary to add here 5s. 6½d.

This measure of course, increased very considerably the price of our refined sugar, it was necessary for us, therefore, to take care, that as the refiners of Great Britain, had a bounty upon the export of their refined sugar, more than equal to the duties paid upon the raw material inwards, such a duty should be laid upon the English refined sugar, as should prevent their overturning our refinery.

The question then was, what should be that duty, which should be laid upon British refined sugars.

Various opinions prevailed, the opinion which I held upon the first day, I still maintain; and that is, that the true equalizing duty was, and is a sum, which in addition to the duty existing upon refined sugar imported, shall make the whole exactly equal to the bounty paid in Great Britain on the export, that was in the last session of parliament 3s. 4½d. in addition to 12s. 4d. then payable, making together, 15s. 8½d. or that sum which is exactly equal to the bounty in Great Britain.

I am of the same opinion still, and I think that every calculation which went higher, whether it were 5s. 10½d. 9s. 4¼d. 11s. 1d. 12s. or 16s. 7½d. which were the several sums on which the House divided on the first day, or 9s. 2d. 10-12 the sum which they ultimately adopted, was so far as it exceeded 3s. 4½d. an advantage given to the refiner of this country over that of Great Britain.

I found this opinion upon this plain idea, that if the duty payable upon the import of refined sugar, into this country from Great Britain, was exactly equal to the bounty paid there upon the export of it, then refined sugar would come in here, just as if there was neither bounty paid in Britain on the export, or duty paid here upon the import of it.—The refiners then of the two countries

would stand upon the duties paid upon the raw material at import, and these duties being exactly equal in both countries, they would stand as to duties upon the same exact footing.

I said therefore in the last session of parliament, and I repeat now, that to equalize the duties exactly between the two countries $3s. 4\frac{1}{2}d.$ in addition to $12s. 4d.$ before laid on refined sugar, making together $15s. 8\frac{1}{2}d.$ a sum equal to the bounty upon export from Great Britain, was that which ought to have been laid on, and that $9s. 2d. 10-12$ was more than sufficient for the purpose, and was an advantage given to this country of $5s. 10d. 4-12.$

I have thus far argued merely as to the duties.—

I shall now endeavour to state the argument upon which those gentlemen went, who wished for a much higher duty.

They alledged that the refiner of sugar in Great Britain was able to send his sugar into Ireland, and undersell the Irish refiner in his own market, and that if he could do this at a time when the duty on the raw material in England was $7s. 2\frac{1}{2}d.$ and in Ireland but $1s. 8d.$ how was it possible for the Irishman to contend with the Englishman when the duty here should be raised to $7s. 2\frac{1}{2}d.$ on the raw material.

They therefore desired that a duty might be laid upon each hundred weight of English refined sugar imported here, which should be equal to the duty laid upon so much of the raw material, as was necessary to make this quantity.

Before we agree to this remedy, it is necessary that we should enquire into the truth of the assertion on which it is founded, in order to see whether the English refiner can really undersell the Irish refiner in this market, and if he can, to see to what causes it is owing, and whether these causes will exist, when the duties proposed shall take place.

The assertion being that the English refiner, can undersell the Irish in this market, the reason given in support of this assertion was, that the bounty given in Great Britain upon the export of refined sugar, exceeding the amount of the duties paid on the import of the raw material by $2s. 6d.$ this excess acted as a premium in favour of the English refiner, and enabled him to undersell the Irish refiner.

Now, in the first place, I deny the truth of this assertion altogether, and in the next I shall shew, that if it were true previous to the late arrangement of duties, it would not be true now.

If this assertion had been true, and that the English refiner received upon exportation of his sugar $2s. 6d.$ a hundred weight above the duties inwards, the consequence must have been, that the whole consumption of this country must have been supplied from Great Britain, but this has been by no means the case.

The average quantity of refined sugar consumed in this country, is about 100,000 Ct. weight, of which quantity on an average of the last 20 years, since the English bounty was increased from 12s. to 14s. 6d. the quantity imported from Great Britain is but 7600 Ct. weight, now if Great Britain had the advantage over us which is stated, can any man suppose, that she would not have supplied the greatest part, if not the whole of our consumption.

Gentlemen will observe, that I speak of the state of things previous to the late alteration of duties.

This additional bounty of 2s. 6d. has now existed fifteen years, during which time the average import has been — Ct. 7913
the average import for twenty years before was, — 4900

the difference is, — — — 3013

Is it then possible to suppose, that if this additional bounty had the effect attributed to it, that the increased importation produced by it, should be only 3013 Ct. weight.

Such an increase is too small to be the consequence of the bounty, and is much more naturally accounted for by other causes.

The increased consumption in thirty years, in a country like this, is a sufficient cause.

It must be apparent to any man who will look into the quantities of raw and refined sugars imported into this country for the last twenty years, that Great Britain has never considered her trade in refined sugar to this country as of any consequence; it will appear to be a most irregular trade, varying in quantity every year, from 2000 odd hundred weight, up to 15,900, which shews that no attention was paid to this article as a regular supply to our market, but that it has been imported as chance and the circumstances of the times directed, and I observe that in 1776 and 1777, the years in which we had the greatest importation of refined sugars; we had also the highest importation of raw sugars, which shews that the great importation of those years must arise either from the cheapness of the commodity, both raw and manufactured, or from speculation.

But if I was mistaken in my position, and argued falsely upon it, and if the assertion made on the other side had been true, previous to the late regulation of those duties, yet I insist upon it, that it would cease to be true so soon as that regulation took place.

For I have already shewn that if the bounty in Britain was counteracted by a duty here, exactly equal to it, and that the duty on the raw material was the same in both countries, that then the refiners of each country would be upon equal terms; but we exceeded this equality in the last sessions, and put on a duty upon refined sugar imported, of 5s. 10d. 4-12 more than the bounty paid upon export in Great Britain, and therefore whatever might have been the case, when the bounty on refined sugar exported was 3s. 4½d.

more than the duty on import here, yet now that the case is reversed, and that the duty here is 5*s.* 10*d.* 4-12 more than the bounty, it is impossible that the bounty can operate to enable the English refiner to undersell the Irish.

We must look therefore to some other cause, which enabled the English refiner to send sugars here.

And it will be found that the true cause, was the great advantage which he had over the Irish refiner, in the purchase of his raw sugars, so long as the Irishman was obliged to purchase them in the English market.

Great Britain is the great mart, there the market is always open; the English refiner being on the spot, purchases his sugars upon the very best terms, and lays them in at the cheapest season, with no other expence than a small brokerage, his large capital enables him to pay ready money, his extensive concerns and universal free trade, enable him to sell at the smallest profit, and from the great extent of his trade, he has probably a superior skill in his business.

The Irish refiner has a small capital, he purchases in a foreign market, he buys upon credit, and must take what he can get, and at the price he may be charged; he pays commission, freight, insurance, storage, port-charges, and custom-house fees in England and in Ireland, and many other expences which the refiner who lives upon the spot is not subject to.

These are the certain disadvantages which the Irish refiner was subject to, if he bought his sugar upon commission in England; but if he purchased here, he bought from a factor, and had additional expences, factorage, and interest of money to pay; frequently the sugar thus bought, has been purchased in England upon speculation; the speculator and the sugar refiner in England, stand on the same footing of equality; but the Irish refiner buying from the speculator, has his profit to pay, and if consigned to a factor here, he has his profit also to pay, together with the rise of the market, the freight, insurance, double port-charges, storage, &c. &c. &c.

These are the true reasons why the English refiner has had an advantage over the Irish—but what will become of these advantages, now that a direct trade to the West Indies has taken place, and that in consequence there shall be an open market in Ireland,—they all vanish.

If then, we are put upon an equal footing as to market, and as to duty, if the advantage said to have been given to the English refiner by the bounty, having overpaid the duties inwards, be taken away by a duty imposed upon importation here, equal exactly to this bounty, would not sugar come to the consumer upon equal terms in both countries; and if so, does not the English and Irish refiner directly change places, the disadvantages of freight, insurance,

&c. being transferred from the latter to the former, and if this be so, must not our sugars have an advantage here over English refined sugar imported, by so much as the expence of freight, insurance, commission, &c. may amount to, and this is stated by the petitions of last sessions, at the lowest at 2s. 6d. and up to 4s. 6½d. by the excess of duty above bounty.

In answer to this it will be said, that this may be all true so soon as a direct trade shall be established, but that that cannot be for many years, because that all the estates in the West Indies are mortgaged to British merchants, and the produce consigned to pay them, and because that we have no ships, no money, nor no credit.

To this I answer, that both former and present experience contradict these assertions, for there is scarcely a gentleman who hears me, who does not know that many cargoes of both rum and sugar, have been brought on account of our merchants, landed at Hollyhead, reshipped and then imported here; does not every man know, that before the year 1772, the same disability was asserted; how comes it that since the duty on rum thro' England was made equal to that upon direct importation, that our merchants have been able to purchase them in the West Indies, will gentlemen say, that it is the produce of sugar only which is mortgaged, and not the produce of the land? What is rum? The produce of the sugar cane, as much as sugar.

Give me leave to doubt the fact; some of the new ceded islands were, I do believe, deeply mortgaged, but that old possessions were I deny.

But to put this out of dispute, let us see what has been the case since the 24th of June, 1780.

The whole quantity of raw sugar imported into Ireland, since we had the benefit of a direct importation, down to the 12th of October, 1781, was 110,599 Cwt. 2qrs. 20lb. of which was imported circuitously, 89,804 Cwt. — 12lb. and directly from the West Indies, 20,795 Cwt. 2qrs. 8lb.

If then in the space of one year, we have imported directly a quantity equal to $\frac{1}{4}$ of our circuitous importation, will any man tell me that we shall not have a direct import of sugar.

Let Gentlemen consider the situation of affairs at this moment; a general war, insurance from the West Indies 25 per cent. deprived of the use of British bottoms, which are not now sufficient for their own purposes, when freight is most enormously high, when Great Britain has lost some of her sugar islands, when the want of sugars is severely felt in Britain, whose present import is but 110,000 hogsheads, when her own consumption is 129,500 hogsheads, which has raised sugar there full 100 per cent; I say, Sir, if at such a time we have imported directly a quantity of sugar equal to $\frac{1}{4}$ of our circuitous importation, can any man doubt that we shall have a compleat direct importation.

But, Sir, if we should not be able to supply ourselves directly from the West Indies, those who did heretofore supply us circuitously, would, now that they have that liberty, supply us directly, for it is absurd to think, that the people of Liverpool, Lancaster, and Glasgow, would suffer their ships to pass by our ports to land their sugars in Britain, and then ship them out for this country.

Let us now come to the question of the present day.

It is alledged that owing to the inadequate duty laid upon British refined sugar in the last session of parliament, the British refiners have poured in great and unusual quantities of refined sugars, have underfold the Irish refiners, and utterly ruined their trade.

We must examine this assertion in the best manner we are able.

It is a difficult matter, I must however observe to gentlemen, to investigate a subject of this nature, and I think, indeed, next to impossible, to draw fair conclusions from the materials we can have before us.

The law laying a duty upon sugar was passed late in the last session of parliament, and the operation of it was from the 24th of June, 1780; the only experience then that we have had of this law has been since June, 1780, or indeed more properly since September, 1780, when the law passed many causes contribute to prevent our forming a fair opinion upon the operation of this law.

This is a time of general war, when the natural course of trade is broken in upon and interrupted, and no trade more immediately so than that to the West Indies, where an equal, if not superior, fleet of the enemy have not only deprived us of some of our islands, from whence we were supplied, but have shut up our merchantmen for months together in those that remained. The coast of America, which heretofore afforded safety and protection to our ships in cases of need, is now swarming with inimical privateers to capture and destroy them; the French and Spanish West Indies are full of privateers for the same purpose; the European seas are covered with French, Spanish, Dutch, and American armed vessels; our coasts undefended, our vessels taken in our own channel, and at the very mouths of our ports; how is it possible for us to judge of a trade so circumstanced, from any view of imports and exports; it is to reasoning we must apply, for true matter of fact we cannot have; some truth we may have, but the whole truth is not before us.

Since this act passed, two fleets only have arrived with sugars, one of these fleets was forced to run north about, to avoid the enemies, and of course to make the English ports in the first instance; the other fleet came in its natural course, and I shall just now shew the quantity of sugar that it left in this kingdom.

The total import of raw sugar, from the 1st of September, 1780, to the 15th of October, 1781, was 144,819 Cwt. of this was imported circuitously 114,964 Cwt. and directly from the

West-Indies 29,855 Cwt. The proportion then of the direct, to the circuitous, is about 3 4-5, without taking into the account the cargo of the ship Fanny, which is just now arrived in the river.—She has not yet made her entry, but I am well informed she has on board 4,675 Cwt. of raw sugar.

If the merchants, importers of sugar, had been disposed to send orders to the West Indies for sugars, they could not have sent them in time for the first fleet, which arrived in Europe; but I hope, I may suppose, without giving offence to any body, that it is possible that the dealers in sugar, in this country, might not be very well disposed to act in contradiction to their own assertions, and perhaps, contrary to their own interest; but this is a part of the subject which I shall avoid.

What I have already mentioned is sufficient to shew that the trade is not at present in its right channel, and that therefore, it will be very unfair, to draw conclusions from the present state of the imports of sugars, and apply those conclusions as the effects of the late law.

As well might Great Britain impute the present decay of her sugar manufacture, to her having given to this country a participation of the West India trade.

That the sugar trade of Great Britain has declined in a most alarming manner, is evident from the various applications laid before the Lords of the Treasury, the Board of Trade, and the House of Commons, by the sugar bakers, upon that subject.

It appears from those memorials, that sugars bear such a price in Great Britain, that the consumption has been considerably decreased.

That the loss of some of our Islands had decreased the annual import of sugar $\frac{1}{4}$.

That the general importation of raw sugar before the war, was 160,000 hogheads—that in 1779, it was 115,000, and for the last two years still less.

That the consumption of Great Britain was 129,500 hogheads—that her export was 30,500 hogheads of raw, and the produce of 12,000 hogheads of sugar refined—that the present import of raw sugar appears from this state to be inadequate to the consumption of England, and that from this cause, and the interruption of war, sugar was now 100 per cent. higher than in 1775.—

And finally, that the refiners of England would be ruined, unless prize sugars were allowed to be sold for home consumption, and to be worked up in England.—

These memorials were referred to the Board of Trade, and two several reports were made by them, in both of which they agreed in the present distressed state of the sugar refinery of England.

I could wish with all my heart, that the reports of the Board of Trade, upon this subject, were published here, because that

gentlemen would there see what are the sentiments of the people of England, towards this country, as to the trade which they have granted us to their own plantations.

They would there see, that at the time that the Board of Trade strongly recommended the allowing the consumption of prize sugars, yet they state the impropriety of so doing, during the last session of the English parliament, lest, as the Irish had laid a prohibitory duty on foreign sugar, the English refiner should have an advantage over the Irish refiner, if the duty was lowered in Britain, while the Irish parliament were not sitting, and therefore, could not lower their duty.

And at the same time that they were thus delicate towards us in this particular, they did not scruple to lay an additional duty of 5*s.* 6*d.* upon raw sugar in England, thereby giving our refiners a most manifest and enormous advantage over the English refiner, for full six months.

Let gentlemen, who speak in harsh language of the liberality of the British parliament towards this country, consider their actions, and be ashamed of their assertions.

They have not only bestowed upon us a free trade to their plantations, but with the most scrupulous attention to their engagement, they refuse to consent to that which would be a manifest advantage to their own refinery, lest ours should be injured, and at the same time they do not hesitate to lay a duty on their sugar, which gives us for six months a decided advantage.

Now, Sir, this advantage is much greater in our favour than even they conceived it to be, for prize sugars not only can, but have been constantly imported into this kingdom from Great Britain, and were purchased in the markets of England before the Dutch war, from 36*s.* to 46*s.* a hundred weight, when plantation sugars of the same quality, were selling in the same market, from 60*s.* to 65*s.* and although the Dutch war has caused greater demands to be made in England for prize sugars, and thereby raised the price of them, yet I am well informed, that at this day, prize sugars can be purchased there from 40*s.* to 50*s.* a hundred weight, of equal quality with the English plantation sugar, which sells from 64*s.* to 68*s.*—

I would conclude from this state of facts, that the relative situation of the Irish refiner, was better than that of England, both are I believe very much distressed, but of the two I think the English refiner is the most so, and I see no sort of reason for the assertion, that the distress of the Irish refiner is owing to too small a duty having been put upon English refined sugars in the last session of parliament.

I shall now advert to the quantity of sugars which have been imported into this kingdom, since the passing of this act of parliament, although I cannot allow that any conclusive argument can be drawn from thence.

Average import of raw sugar for seven years to 1779, is 185,088 Cwt.—ditto of refined for the said period, 10,174 Cwt.—proportion of refined to raw about 1-18—import of raw sugar for one year, from June, 1780, to June, 1781, is 97,188 Cwt.—ditto of refined sugar for the same period, 5,299 Cwt.—proportion of refined to raw about 1-18.

If any thing was to be argued from these quantities, it would be, that the law had no operation upon the proportion of raw and refined sugar imported, for it will be found at both these periods, that the refined sugar imported is about 1-18 of the raw; and, if we accurately compute the proportion of raw and refined sugar imported in these periods, we shall find that the proportion of refined, is less than it was before the law, for now the quantity of refined imported, is but 5,299 Ct. and therefore, the proportion of refined to raw imported in the last year, since the law passed, is less than the proportion between these articles, upon the average import of the ten years before.

But, it is argued, that were it not for the present distressed state of the English refinery, which prevents it, they would have sent in much greater quantities of refined sugars, and that they will do so, as soon as there is a peace.—For that if when they have not a sufficiency for their own consumption, they can send here 5,299 Ct. they will, when they have an overplus, be able to supply us wholly.

To this I answer, that as times mend with them, they must mend with us, in the first year we have made 1-5 of our importation direct, the other 4-5 from England—Every distress which enhances the price of the sugars to the English refiner, falls equally upon these 4-5 of our importation, and of course on our manufactures, but still as we increase in our direct importation, all these disadvantages must vanish.

Thus far I have argued from the present situation of things, I shall now endeavour to consider the several observations which have been made upon the calculations by which we were guided in the last session.

It is insisted upon, that we went upon a principle that 20 Cwt. of raw sugar would make 9-20 of lump, 5-20 bastard, 6-20 molasses and dross, and that this is an erroneous calculation—that both the former bounty on refined sugar exported from Great Britain, and that which they have now given on this new duty, shews it to be so.

The English legislature have ever considered the quantity of raw sugar necessary to make a 100 Cwt. of refined, to be about 200 Cwt. and all their acts of parliament have proved it until the 5th of Geo. III. when an additional bounty was given of 2s. 6d. but it is a fact as well known as that such an act passed,

that this additional was given by Mr. Grenville, to conciliate the West-India merchants to the regulations he had then made.

It appears therefore; that it cannot be argued, that the quantum of the bounty given, was, in this act, proportioned to the quantum of the duties paid upon so much of the raw sugar as went to make a 100 Ct. of refined.

In like manner, the present bounty given, has been taken from the proportion of the former bounty, to the duty then existing on the raw material; the whole of the present duty is 12s. 8½d. 8-20—the whole of the present bounty is 1l. 8s. 2d.—the whole of the old duty was 7s. 2d. 6-20 29-40—the whole of the old bounty was 15s. 8½d.—as 1l. 8s. 2d. is to 12s. 8½d. 8-20, so is 15s. 8½d. to 7s. 1¼d.—the difference is only 3-4, 3-10, or about one penny.

In the present distressed situation of the sugar trade of England, it was impossible for them to have proceeded upon any other principle, in the setting the bounty upon export of refined sugar.

Mr. Bushe.—When from the opposite benches I supported the motion for a separate committee on the sugar business, I declared that it was my opinion, that our sugar trade was not in danger; and in every private conversation, I have always maintained that opinion. In the last session we had not facts to go upon; we have now a sufficient data from the papers on the table, and it would be absurd not to make use of them when we have them. My Right Hon. Friend says, we are under no obligation to England, and that therefore we should exclude them from the Irish market of refined sugars.

Here Mr. Flood stopped him, saying, “What I said was, that we have a natural right to trade with any part of the world that will admit us, and by giving up our right to resort to the sugar colonies of other countries, which are better than those of England, we give an equivalent to England for the privilege of being admitted to hers.”

Then, says Mr. Bushe, I will take it on that ground, and will still say that England has done us a *favour*. I say that no country gives to her most favoured ally that free admission into her colonies that England gives to us. Spain does not give it to France, who has an ascendancy in her councils; and do you think that she would give it to Ireland? France does not give it to Spain, and is it more likely she would encourage the trade and navigation of Ireland? Portugal does not admit an English trader to Brazil. If he trades there, it must be in the name of a Portuguese merchant. Is it more likely that they will admit an Irishman? This privileged trade to their colonies is all that England is at present contending for in the Chesapeake; for the idea of enslaving America has long been given up. Liberty has been offered to it; and

at this very time, when we are disputing whether we shall suffer England to have, in return for it, a share in our refinery, valued by Mr. *Thompson* at 2000*l.* a year, the best blood of England is shedding in defence of that trade: For this trade, perhaps, on the morning of this day, the British navy has sunk in that sea in which it used to ride triumphant; and that this should not be *sacrificed*, perhaps the son of our Monarch has been offered as a *victim*. Shall we then grant to England this 2000*l.* a year? I agree with my Right Hon. Friend, that we have a right to exclude her if we please. How we shall use that right is a question of kindness and of wisdom. I say that one free nation may exclude another from her market if she pleases. We need not suffer them to send us an ounce of sugar or a gallon of beer; nor is she obliged to suffer us to send her a yard of linen. I shall not enter into an argument with my Right Hon. Friend, which nation is most obliged to the other. I am willing to believe that Ireland is the benefactor on the whole; but sugar is not the article in which I would refuse England a favour; for with respect to that we have been favoured by her.

He then entered on some arguments upon the English drawbacks and the state of the Irish refinery; and concluded by observing on the evidence of Mr. *Thompson* and of Mr. *Sutton*. Mr. *Thompson* had said, that the West-India trade would be very valuable to us; and that we should nurse our refinery in order to profit by it. Mr. *Sutton* said that it was unlikely we should get the West India trade. Whichever of these contrary testimonies was well founded, the present duty was right. On Mr. *Thompson's* evidence he observed, that by him it appeared we should save 4*s.* per hundred on trading directly to the Colonies; so that be the present duty too low, or not too low for the circuitous trade, there was no fear of the valuable trade to the West Indies. That trade for which our manufacturers were interested, for which the weavers had petitioned, was perfectly safe by the confession of the witnesses themselves. But that in reality the circuitous trade was safe too. We were submitting to that trade at this moment for the benefit of the sugar bakers. If we had laid our duties on the refined in such a manner as that they could not refine in this country until they imported directly from the Colonies, it would be a saving to the consumer of about 28,000*l.* a year; yet to this tax we submitted for the sake of our refiners, who yet were not contented. On Mr. *Sutton's* evidence, he observed that in mercy to his cause he must forget his argument: For if we were to gain no trade with the Colonies, how could we be justified in encouraging the refinery in Ireland merely for its own value as a manufacture; particularly if what Mr. *Sutton* said were true, that the English could sell so much cheaper in this market? If for every shilling got by the thirty refiners in Ireland, the consumers were

to lose two shillings, it was a trade, on its own account merely, we ought not to encourage. The import of raw sugars has not sensibly decreased in the last year, notwithstanding there was an unusual import of refined previous to the new act laying the new duties; yet in spite of this disadvantage, we had imported raw sugars as usual. Mr. Sutton said they used the sugar raw without refining it; if that were the case, then it was impossible to protect our refinery, for if the English refined sugars were really cheaper than ours, and that yet we used the raw sugars preferably to it, how much more would they prefer raw sugar to *Irish* refined, which (they said) must be sold still dearer than the English, in order to give any profit to the refiner of Ireland? Thus, if it were true that we used raw sugar at present, it was *impossible* to serve our refiners; but if we did not, then it was unnecessary, for then we imported our usual quantity of raw, and refined it as usual; in which case it was unnecessary to give them a greater protection than they had: They were *now* sufficiently protected.

Mr. Forbes.—If I differ with the Honourable Gentleman who spoke last, it is possibly because I have not got that datum which has induced him to alter his opinion. [here a very great laugh]

Mr. Bushe.—I have not altered my opinion; I was silent upon that subject last session because I was ignorant of it; but I will ever uphold this argument, that England has dealt generously, and if we have an equal right with her she has an equal right with us.

Mr. Forbes then said, that when the House would consider that it had changed its opinion on this subject no less than three times last session, he hoped it would not be hasty in coming to a determination now; and though he agreed entirely with Mr. Beresford's statement, yet he thought the English refiner could still undersell us in our own market. He denied that there was any probability of a direct trade to the West Indies for five or six years to come, and thought it would be an intolerable grievance, if persons who had on the faith of Parliament, when a free trade was promised, vested their property in sugar houses, should be obliged to wait that event; nothing less than a prohibitory duty could protect them, and if their Representatives neglected that, the unhappy Bankrupts would have reason to curse the improvidence of their choice. I have heard, continued he, the opinion of the Board of Trade cited as an authority in this debate. I have the honour to be well acquainted with the members of that board, and I do aver that trade is the single thing of which they are entirely ignorant; they are all men of abilities, informed in every branch of polite knowledge—poetry—history—politics—philosophy—*virtù*—but of trade not a syllable; indeed, how can it be otherwise? Young gentlemen of rank, who aspire to the first offices of the state, generally pass their noviciate at the Board of Trade; there they become men of business, by sometimes signing their

names to an official paper which the clerks have prepared, and there they form themselves for higher employments, by studying every thing but trade: For this reason, Sir, I hope the opinion of that board will not be allowed of weight in our decision, but that we shall give a full protection to our refinery; and when I say this, I am confident that I speak the wish of the nation who freely and liberally gave us this trade.

Mr. Parnell.—In my opinion, gentlemen have deviated very far from the question before the House; it lies in a narrow compass, merely whether it is more for the advantage of this nation, and more consistent with the principles on which we should regulate our conduct to Britain, to prohibit the importation of their refined sugars, or to leave an open just large enough to admit a supply for the 1-12th part of our consumption? The great stress of the argument in favour of a prohibition, is founded upon England's having prohibited the importation of refined sugars for her own supply; but this may be wise in England, and unwise in this country; for England, by keeping out foreign refined sugars, had not to fear that her merchants would forsake the colony trade, they having no other market to purchase at. But if there be not some *stimulation* to our merchants to push the colony trade, we have reason to think they will continue in the old circuitous track; and there would be no hope of their ever forsaking it, if, by a prohibitory duty, they were empowered to raise their manufacture to such a price, as would counterbalance the expence of the circuitous importation. But it has been prophesied that no direct importation will take place between this country and the West-Indies: I shall only say, that the *fact is otherwise*; for a very considerable trade *has taken place* between them, and the number of ships employed is every day encreasing. Besides, who can prophesy what quantities of sugar will be grown on our conquests on the *main* of America; which we are told are much more capable of supplying that article, than all the *West-India Islands* together.

The grand desideratum then in this business is, to lay on duties just sufficient to admit of a small importation of English refined sugars, but not to encourage a large one; to tempt our merchants to a direct importation of the raw material, and to wean them from the English market. The duty now proposed bids fairest to produce those effects, to promote our trade, and encourage our manufacture; and as such I will support it.

Mr. Hussey Burgh.—I will not enter into the long detail of calculations that has been offered to the House in the last session—we were thrice misled by calculation, and I have no doubt but calculations might be produced to prove the most absurd position.—Though of right this nation might prohibit the importation of sugars from England, yet from the conciliatory spirit, from the generosity of the Irish people, I will not insist upon that right, but

merely revise the duties of the last session. It is allowed on all hands, that since the duty has been imposed, the Irish refinery has declined; and it is no consolation to us that the English refinery has declined also; we had rather see it flourish.

It has been stated that England has granted us great favours, and we should not be unwilling to grant them this little—we should not dispute about so small a portion of trade as that which produces but 2000*l.* per annum profit—but if it is little for us to grant, it is as little for them to ask; and the inference is, that they either do not desire it at all, or that they desire it for some purpose which they do not chuse to declare; it is, therefore, what England should not demand, and what we should refuse to grant. Our trade to the West-Indies is the key-stone on which the commerce of Ireland stands—on it every branch of your linen, woollen, cotton, silk, and all your other manufactures depend—the landed interest is deeply concerned in it, and therefore you should not carelessly cast it away.

The liberal language of England was, that Ireland should trade in like manner, and with equal advantages as her own subjects. This is the liberality of the King, of the Lords, and of the Commons of England; and if it be restricted now, the people of Ireland have no one to complain of but their own Representatives. Though England has guarded her own refinery by a prohibitory duty, yet I do not urge the necessity of that measure. I do not press for more than a just revision of the law of last session, which it is our duty to amend.—There is not a man of property in the nation who will not read this night's decision in his rent roll—there is not a trader in the kingdom who will not read it in his ledger—to act justly by the people cannot offend England—it cannot offend that gracious King who gave his truly royal assent to the grant of a Free Trade—we should rather fear his displeasure for abusing his bounty.

The Right Hon. Gentleman (Mr. *Eden*) high in administration, took an active part in opening to us this *mine*, surely now he will assist us in working the *ore*.

Mr. *Fitzgibbon*.—There are two objects that require protection—our sugar refineries against the sugar refineries of England, and the consumers of sugar in Ireland against our home manufacture.—It is admitted on all hands that we have 5*s.* 10*d.* advantage over the English refiner, in every hundred weight of refined sugar; and that we have nothing to check our circuitous import of the raw material, but the small competition of 1-32 part of English refined sugars in our market. Are we then to drive our merchants into the West-India trade, by suffering this check to remain? Or by removing it, shall we suffer them to fall back into the old circuitous trade, and, excluding English sugars, grant the refiners that monopoly which they so vehemently desire, and permit them

to raise the price of refined sugars beyond all reasonable bounds? It has been said, though disproved by the fact, that we should never be able to import our own sugars directly: But is it not idle to suppose, even if this was the case, that the British merchant would not import them here immediately from the islands, and save the charges of double freight.

I think the 5s. 10d. advantage, which we have above all duties and above all bounties, is a sufficient protection to your refinery, and the witness on your floor has declared, that if we had a prohibitory duty against England, we should never have a West-India trade. For those reasons I am decidedly of opinion that the duties should remain as they are.

Mr. Grattan.—I wish to know who are the objects of this debate?—The Irish sugar-baker—certainly not:—The Irish consumer—certainly not—for you have taxed him ninefold:—It is then the English manufacturer, whose interest, to the exclusion of our native commercial interest, engages our deliberations. They have found, the British manufacturer has found a factor in the Irish minister, which the Irish manufacturer cannot find in the Irish parliament. Gentlemen on the other side have taken much pains to shew, that they have excluded the English refiner by their calculation, and that it is just and generous to admit him into a participation of the trade. If it is just, and intended to admit him, what credit are we to give to their calculations which affect to exclude? There is a flagrant insincerity in their argument; for if they believed it themselves, they must believe the English refiner excluded by *their* duty, and therefore could have no objection to ours.

The first Right Hon. Gentleman has told you, he thinks 9s. 2½d. too much, 3s. 8d. was the true equalization duty; when the same member defends 9s. 2½d. as a proper duty, he has but little credit with me, having lost his authority by defending a duty too ridiculous to be named.

It seems, 3s. 6d. 5s. 10½d. and 9s. 2½d. are all agreeable to him: He has voted for each, he has defended each, with the same force of argument and confidence of calculation. If his true equalization duty, his 3s. 6d. was safe, 9s. 2½d. is a monopoly—he is now voting for a monopoly.—He has been pleased to say, that a direct trade will take place, and then he insists 9s. 2½d. will be a monopoly. What then becomes of his argument against monopolies, and all his apprehensions of combinations among the Irish sugar-bakers, when the defence of his own duty is, that it gives these sugar-bakers a monopoly—a monopoly, if a direct trade takes place—a monopoly, if 3s. 6d. was the equalization duty, even without a direct trade.—'Tis, therefore, I say, that gentlemen do not appear to feel the conviction of their own arguments. An Hon. Friend, who spoke after the Right

Hon. Gentleman, has said, that there are 1s. 6d. in favour of the Irish refiner, even in the circuitous. I deny the fact: Upon calculation of duty and drawback, and expence of bringing to Ireland one hundred of refined sugar, there are about 9s. 3d. against the English refiner; against which balance you must set the expence of bringing to Ireland three hundred of raw, which at present are 12s.—balance against the Irish refiner, 2s. 9d.

Thus, to an arithmetic certainty, you establish by your own law, a balance against your own trade; but if you add incidental disadvantages, if you add the benefits which England enjoys from being the proprietor of the islands, from antient and extended habits, from cheapness of coals, &c. &c. if you consider these any thing, (the merchants have stated them at 1l. 5s.) you shake the manufacture to its foundations.

But, says my friend, forgetting the expence of carriage, and our infinite incidental disadvantages, you have 1s. 6d. to secure you. Will my friend stake the being of this trade, which is the parent of many others, on such a perilous security? Have you granted a tax for this trade of 100,000l. per annum, to be satisfied with the wretched one of 1s. 6d.?—I do not say that you will never have a direct trade; but I say, that you will not have a direct trade for two years, which is the period of your duty.

Upon calculation, it appears that the duty is against us. Let us examine it on other grounds than calculation—let us examine the importation—an increase of refined, a decrease of raw, and a decrease of consumption—a decrease of raw near one third, though the prospect of an increase of duty should have produced a sudden and false influx.—The decrease of the raw proves, to a certainty, a decline of the manufacture, but does not prove the proportion of that decline, because sugar may be imported, and not manufactured. See then the state of the manufacture itself—north and south—in Waterford, Cork, Belfast, Newry, Dublin, &c. &c. a universal decline.—The sugar-houses in these places have ceased to work at all, or ceased to work in the same proportion.—

If any man who went the tour of this country should ask what has brought these several houses to ruin, he would be told—the Free Trade.—If any man should ask what did parliament propose, he would be told—they meant to go on with the experiment, and try how it might soar with these refineries not yet demolished.—You talk of those manufacturers as combinators and malefactors—we are too apt to indulge in a conceited style towards the useful class of men.—The pensioner thinks he is ruined, if he lays out among his own manufacturers, the stipend which he gets from his country—he despises the people on whose contribution he feeds.—But, Sir, these men have a refuge from our pride and our laws—they will leave you to your offices and compliance,

and seek an opener scene, and a better climate—they will go with their wives, and their children, and arts, where God and nature invite.—Such are the tributes which the cities of Europe offer to the virtue of America:—Let your laws, therefore, be such as will not banish your inhabitants.—

Mr. *Eden* said, though he was by no means unprepared to enter the detail of calculations with which the question was connected, he was glad to think that the whole had been already so compleatly stated to the House, as to make it unnecessary to recur to them. He rose, therefore, merely to remark on some expressions which had been incidentally dropped in the debate. One gentleman had said, “that a general resistance to all commercial subjects is adopted by the present administration.” Another gentleman said, “the whole business had been conducted with a flagrant insincerity.” He appealed to the patient and respectful attention with which, during four days, he had heard the present investigation, and this too notwithstanding he thought the question extremely confined in its nature and consequences; though it had been attempted to swell it into magnitude by description and declamation. As a question which concerned a small proportion of the Irish refinery, it certainly deserved respect, because the interests of manufacturers should always be dear to the feelings of parliament. But he had been astonished to hear the state of the sugar bakeries ushered in by an enquiry into the state of the nation—a petition of equalization converted into a claim of monopoly—a system of prohibition issuing from a question of free trade—and, last of all, in the discussion of the participation of the British Colonies with Ireland, to be told that Ireland has every thing to fear from the gambling spirit, the insane speculations, and the swindling of her sister kingdom.—This, he said, had not been the language of the last session, when, in the genuine and generous sentiments of their hearts, the Irish parliament had acknowledged the wise and liberal sentiments of the British parliament. Those wise and liberal sentiments, he asserted, were conspicuous, not only in the present business, but in the whole system of the British bounties and duties, under which system twenty millions of yards of Irish linen are annually sent to British merchants.

He said that the present question might be confined to three considerations:

1st, Whether the duty imposed in 1780, on refined sugars imported, was a sufficient and adequate duty of protection to the Irish refineries?

2dly, Whether, in fact, the Irish refineries had not maintained since that period, their relative proportion of business against the English refineries?

3dly, Whether the slight competition which subsisted between the refineries, was not likely to prove beneficial to the regulation

of the markets, and to the improvement and cheapness of the manufacture in question?

All these questions, he said, had been fully proved in the affirmative. It had also been demonstrated, that we had made a progress in the free trade beyond all expectation: and yet, in the infancy of our efforts, we were shewing a discontented impatience to arrive at a state of manhood.

He concluded with saying, that many allusions had been made to his situation, which he would decline answering. He knew that such appeals were things of course, and he heard them with pleasure, when made, as this night, with ingenuity and good-humour. They were, however, of little consequence to the house. It was, indeed, of some importance to his own feelings, that he had passed ten years in many situations of trust and confidence, with acknowledged industry and unblemished integrity; that the House was only concerned to watch his industry and integrity, and to those only he wished to call their attention.

Sir Edward Newenham said, he had drawn his information from the enemies of the Irish refineries; that they admitted, the present proposed duty was not even a protecting duty, and that he believed they would find it necessary to adopt it in the next session.

Mr. Ogle spoke against the duty, as insufficient to protect our refinery. This parliament, he said, had rendered themselves famous by their former patriotism and public spirit; he hoped they would not now still further increase their fame, by rendering abortive the effects of that patriotism: He hoped they had not adopted the sentiment, that "*fame no more survives from good than evil deeds;*" or that they would not follow the example of "*the aspiring youth who fired the Ephesian dome,*" and who "*outlives in fame the pious hand that raised it.*"

Mr. Foster said, an Honourable Gentleman (Mr. Grattan) had said that the duty of 9s. 2½d. proposed last year, was defended merely on the principle of necessity. He had moved that duty, he thought himself responsible for it, and he was prepared to vindicate its propriety. As for himself, he had never defended it on the plea of necessity, he had proved its propriety from true principle, and by just calculations, which had then a full effect with a very large majority of the House; and which he was now prepared, was not the hour too late, to defend in the fullest and most satisfactory manner. He would, he said, defend the present duty on the same ground that he had done the duty of last year, not only by British, but by Irish calculations; and not only on the produce of the British, but by the produce of the Irish refinery. For he contended, that the duty on bastards, which were part of the produce, could not justly be excluded from any calculation, and by including the duty on bastards, and arguing on the principles of the Irish refiner, the Irish manufacture had a great advantage over the British.

He then repeated part of the calculations used by Mr. *Beresford*, to shew that the Irish refinery had supported its relative equality in the market against the British.

He also stated that the evidence which appeared on the floor, had desired the exclusion of the British refiner from their market, merely to raise the price on the consumer; and although they had refused directly to answer his questions on that point, he had extorted an answer from them, by other questions which they could not elude.

He concluded with several judicious remarks on the nature of the trade, and the propriety of the duty.

The question being now loudly called for, Mr. *Metge* moved an additional duty of 2s. 10d. per hundred, to the duty moved by the *Attorney General*. The House divided.

Ayes, — — 63

Noes, — — 144

SATURDAY, NOVEMBER 24.

The House received the report of the committee of ways and means. When the resolution granting the duty on sugar was read,

Mr. *Henry Flood* rose.—I think myself bound by my duty to my country, to oppose in every part and in every stage, this most pernicious of all laws, teeming with consequences; and grounded upon principles, utterly subversive of our free trade. I shall therefore give it my most marked reprobation. Every author that has written on the subject, has laid it down a principle, that no duty should ever be exacted from the raw material of any manufacture. England, the mistress of commerce, has regulated her conduct by this rule; and shall it be said, that this law is but a regulation of commerce advantageous to our manufacture? Is it necessary to say, that as last session it was swallowed by this House unchewed, and passed undigested, it should not now be well examined before it is again received? As consonant to the terms of our free trade, it was necessary only to lay a duty on our refined sugars when exported, and by no means on the raw material, this law cannot be called a law of equalization. The parliament of Ireland was not bound to tax their home consumption, it would have been sufficient, if they had taken care that this country did not export on better terms than England. But gentlemen say, that no harm has resulted from this law: Is it not easy for a nation rich and powerful as England, to take care that the evil should not at once be perceived? But will any man say, that for fifteen years back, our refinery has not been declining? Will any man say, that as our duties encrease, our protection does not diminish? Is it not well

known, that during the last sixteen months, the importation of raw sugar was but 157,000 Cwt. and that the average of the fifteen years preceding, was 175,000 Cwt. per annum? Is it not then plain, that the importation has fallen many thousands short? In the course of the last nineteen months, the quantity of refined sugar imported, is 19,000 Cwt. the average of the fifteen years preceding, was 8000 Cwt. per annum; so that in this period it has increased one-third, and the quantity in those nineteen months is equal to the whole quantity imported for two years immediately preceding. Gentlemen are fond of data, I hope they have data now. I have taken those facts from the statement of an Honourable Gentleman (Mr. *Beresford*) on the opposite side; but suppose (what indeed we have no right to suppose) that Providence had wrought a miracle in our behalf; or rather suppose that by any magic or management in another country, those things had not yet happened, would not every sensible man see, that this injurious arrangement of duties, must eventually destroy the refinery of Ireland? It has been declared upon your floor, by sensible and well informed evidence, that if all duties were removed between the two kingdoms, the ruin of the Irish refinery must follow; and does not every man perceive, that raising our duties on the raw material equal to theirs, and permitting them to come into our market with advantages superior to our own refiners, must have even a worse effect than the abolition of all duties? You are now going to grant a duty of no less than 100,000*l.* per annum, a duty that bears the same proportion to your antient revenue; that the debt incurred by England in the prosecution of the American war, bears to all her former debts; a duty greater than that demanded from all America, and much greater than the profit of your whole West India trade. Have gentlemen considered this? Have they considered that if the tax be not paid by the profit, you must break in upon your capital stock? Every body knows that the mines of gold and silver in Brazil, Chili, Peru and Mexico, are the property of the Kings of Spain and Portugal, yet though their sole property, the people are permitted to work them, paying one-fifth to the Crown. Now, supposing that this 100,000*l.* which you are about to grant, is to be rated at one-fifth of all the profit on our West India trade; suppose that trade to produce as much profit as working the mines of Brazil or Mexico, then it requires that our whole profits should be 500,000*l.* per annum; and consequently that at ten per cent profit, we should have two millions and a half of new trade to bear this burden. Thus you pay more for the West India trade, than that trade is worth; and you do this while an English act of parliament prohibits you to trade, not with the colonies of Spain and Portugal, as has been mistakenly supposed I have said, but with the antient kingdoms of Spain and Portugal themselves.

Mr. Foster.—I do not pretend to say that no such statute exists; but this I say, that I have carefully examined the statute book, and have not been able to find it.

The Speaker.—I confess that I have looked with great care into the statute book, when the Right Hon. Gentleman formerly mentioned this law, but I have not been more successful than the Right Honourable Gentleman who spoke last.

Mr. Flood.—It is there; it is the sixth of the present King. I could wish it was not there, but you will find that you have loaded yourselves with this monstrous duty; you have cut off your sugar trade with every other country, and that under the insult of this unrepealed law.

Mr. Holmes.—The Right Hon. Member declares, that he does not consider the grant of a free trade to the British colonies in the West Indies and America, as a favour bestowed upon this country; yet I believe if he examines the history of every nation, ancient and modern, he will find it a very difficult matter to prove, that any nation ever freely opened the trade of her colonies to any other nation, however entitled to the *Jura amicissima gentis*. The Right Honourable Gentleman has distinguished three several kinds of duties—duty of burden—duty of indemnification—and duty of protection—but the duty at present before us is *no one* of those—this he has totally omitted—it is a duty of *condition*—it is the condition on which we accept the trade; for though the smallness of the object, as stated by the Right Hon. Gentleman, might be a reason against accepting this trade at all, it can never be a reason against performing the condition of equalization, if we do accept it. The Right Hon. Gentleman says, that our trade to the West Indies is not sufficiently protected, though it has been proved on your floor, that every hundred weight of refined sugar is guarded against that of England by 5-8ths; but does the Right Hon. Gentleman consider, that we have a stronger guard than even this; that the necessity of applying to this country for provisions, on which the very existence of the West-Indies depends, will for ever preserve a direct intercourse between the two countries? Or does he consider what Sir M. Decker has wisely said, “when two nations are fitted for trade, by each standing in need of the produce of the other, no custom-house restriction can ever destroy their intercourse.”

The question was put, and carried without a negative.

The Speaker then proceeded to put the several other resolutions contained in the committee's report; when he came to that which grants an additional duty of two shillings per barrel on all foreign herrings imported, Mr. Longfield, representative for Cork, opposed it. He said, he was much surprised, that a law of this importance, which so very materially affected the city he represented, should be brought into parliament without his having received any

notice of it; that two years ago, when a similar tax was proposed, the city of Cork petitioned against it; that since that period, the duty on foreign herrings was 4s. 3d. and the bounty on Irish herrings was 2s. yet with this advantage the Irish were not able to supply the Cork market. That upon this supply our provision trade very much depended, as every ship must have an assorted cargo; that the fleets sailed generally in October, but the Irish herrings never came to Cork before December, and then, not in quantity equal to the demand, and subject to great delay, by standing in need of a new coopering, packing, &c. and that, if this tax was laid on, it would only act as a bounty given to the people of Glasgow, who were our rivals in this trade.

Colonel *Cunningham*.—I have been fighting in support of this measure ever since I had the honour of a seat in parliament; my intention has been as much as possible to promote our own fisheries, and to prohibit the importation of foreign herrings. I have in some degree succeeded, and I hope, before I relinquish the pursuit, to establish the Irish fisheries in the securest manner. A Cork merchant, like a merchant of any other city on the globe, in matters of trade, considers only his own profit, and hitherto it has been unlucky to Ireland, that he has had more profit by encouraging the fisheries of Sweden, than those of his own country. The Colonel then proceeded to shew, how from a very small beginning the importation of foreign herrings had increased to the prodigious quantity of 57,000 barrels per annum, but that though the quantity exported during the last three years, was larger than ever, yet the quantity imported had fallen to about 20,000 barrels per annum, and that the difference had been made good from the Irish fishery; that is to say, besides supplying our own consumption, which is the greatest in the world, we had exported 34,000 barrels of Irish herrings.—He then proceeded to shew, that the Dutch herring fishery, which had formerly employed from 1500 to 3000 busses, was now fallen to 169, while that of Ireland was as rapidly increasing. That in the year 1779, no less than 400 Irish fishing, vessels of 80 tons each, received the bounty, a much greater number than Holland had employed in any year for fifty years past. That in the bay of Donegal alone, 70,000 barrels of herrings were shipped, some of which had found their way into the Dutch market, which was no sign of their being badly cured. That the Cork merchants were the only people that refused the Irish herrings. For a gentleman of his acquaintance had sent a cargo of Irish herrings to Cork, which the merchants condemned, and would hardly look at; the same gentleman had sent them on to Jamaica, where they brought 57s. per barrel.

He next proceeded to shew *why* the Cork merchants were so much interested in importing foreign herrings—besides a triple commission upon them; when they came here they were to be unpacked and new coopered, and in that operation they had the art

of making five barrels out of four; yet, notwithstanding this was their interest, it was unwise, he said, to oppose the sale of Irish herrings in Cork, as it only drove other persons to export them; and that this exportation trade did not require a *very great* capital, as he knew a person not possessed of one, export a *cargo of herrings* from Killybegs directly to the West-Indies, and bring home a *cargo of sugar* in return.

Mr. *Richards* condemned the excluding of foreign herrings, which he thought would be injurious to the West-Indies, and

Mr. *Longfiela* repeated his former arguments in reply; beside, he said, that though the Cork merchants made 180 barrels for export of 150 imported, yet they never received the draw-back for more than the 150.

Mr. *Foster* said, that we ought carefully to encourage our own fishery; that this was as much between the negro and the planter, as between the foreign and Irish herrings; that the only regale which those poor people (the negroes) are allowed, is a herring each; that as a herring is a herring, be it large or small, the planter chuses to buy foreign herrings, which being more dried and shrivelled, stow a greater number in a cask, and consequently, come cheaper to him; but that the poor negro wishes for the large Irish herring, which to him is an article of great luxury. Mr. *Foster* seemed to think that the exportation of herrings in bulk should be encouraged; and bestowed much praise on a Mr. *Mark*, of Limerick, who had made the experiment with success.

The question on the new duty of two shillings on each barrel of foreign herrings was put and carried.

MONDAY, NOVEMBER 26.

The order of the day was called for and read, for receiving the report of the committee of ways and means.

Mr. *Foster* reported from the committee of ways and means before the final report was agreed to.

The Right Hon. *Henry Flood* arose and said, the last day that business was before the House, he had asserted that there was an English act which prohibited the importation of sugars into this country, except from the British colonies. It had been said by gentlemen, that there was no such law to prohibit the trade of Ireland; but he had since looked into the several statutes, and had found that by an English act of the 6th Geo. II. which prohibited the importation of sugars, except from the British colonies, with an exception to import sugars from Portugal and Spain; that the same act was made perpetual by an act of the 4th of his present Majesty—it was interwoven with an act that involved the empire in confusion, and probably lost America; we should have acted like men, and insisted that these laws which appeared to bind Ireland and restrict her trade, should have been repealed before we grant-

ed one hundred thousand pounds duty yearly; and while such prohibitory laws existed, he thought something should be done. He said, he would therefore move the house on Thursday next, for a declaratory law in favour of his country's rights.

Mr. *Foster* said, he was aware of these two acts, when on a former day Mr. *Flood* had asserted the existence of British laws, prohibiting the trade of this country in the article of sugars; but, he said, those acts did not lay the prohibition which was contended for. He said that before the 6th of George II. this country had traded to Spain and Portugal for sugars; that that act had not given us the liberty, and consequently the 4th of George III. was inoperative, as it only alluded to the 6th of George II.

Sir *Lucius O'Brien* also supported Mr. *Foster*; and he said, that he had used every argument in favour of the relaxation of our trade, when in Great-Britain two years ago; that the acts in question were interpreted not to include Ireland, by the chief officer who accepts the entries at the Custom-house, and by the Commissioners themselves; and he thought with Mr. *Foster* upon the subject.

Mr. *Flood* still contended, that the laws above-mentioned were designed to bind Ireland, however they might have been interpreted, or however wisely and constitutionally disregarded.

Mr. *Fitzgibbon* reported the heads of the bill for regulating the trials of contested elections.

A debate ensued on reading the report, and a motion made to recommit the bill, which was agreed to on a division.

Ayes,	—	—	31
Noes,	—	—	26

TUESDAY, NOVEMBER 27.

Mr. *Grattan* gave notice that he would on Thursday se'nnight, move for an enquiry into the public expences; as he was certain that some gentlemen on the other side had mis-stated (he would not say misrepresented) some matters in respect to the public accounts.

Mr. *O'Hara* moved for the order of the day, to take into consideration heads of a bill for ascertaining the qualifications of members to serve in parliament.

Mr. *Foster* said he had many strong objections to the bill—that was it to pass, as now proposed, it would annihilate the right of voting with every man whose freehold was registered under the present laws; that the time between this and the next general election was too short for people to comply with the terms proposed in this new bill, which, if neglected, would deprive many

good freeholders of their right of voting; that it would in a more particular manner affect the northern counties, where small freeholds were numerous; and that the hurry and confusion which would attend a new arrangement of all the freeholders within the description of the bill, might be productive of much inconvenience. He said further, that the clerks of the several counties having now an order from the House to make a return of all the freeholders in their respective districts, it would, at all events, be better to wait 'till such return was received; and therefore moved, that the consideration of these heads of a bill be deferred 'till the second Monday after the Christmas recess.

Sir *Lucius O'Brien* said a few words in support of the bill, but rested chiefly on this argument—that if it promised to be a useful measure, it ought to be immediately adopted; if otherwise, it should be immediately discharged.—He was, therefore, against deferring the consideration of it.

Sir *Richard Johnston* said, that when this bill had been formerly proposed it met with a very cold reception, though the argument of inexpediency from the shortness of the time, could not be urged—that one gentleman moved to have one county excepted from its operation—another gentleman another county—and so on 'till almost all the counties in Ireland were excepted.—He, therefore, to avoid partiality, would except to the bill itself.

The question was put and carried, “that the consideration of those heads of a bill be deferred 'till the second Monday after the Christmas recess.”

Right Hon. *John Foster*.—I have heard with very great concern, that great quantities of our linens have lately been returned from England, for being made up in a fraudulent manner. This I think an object of so much concern, that every man in the nation should be alarmed for it: I will therefore move the House to appoint the earliest day possible, to take into consideration the state of the linen manufacture of Ireland.

WEDNESDAY, NOVEMBER 28.

The House met, and two money bills and a private bill were reported, and ordered up to the Lord Lieutenant.

The House adjourned at a quarter past three.

THURSDAY, NOVEMBER 29.

The Right Hon. *Henry Flood* rose and said, before he would enter into the material part of the subject proposed for the day, he would say something of what was not so material; he found that

what he said on some former days was misrepresented. There was, he said, in a certain paper, a misrepresentation of the words put down, and not a word of truth, in either his arguments or language, properly represented. They had stated, that he acknowledged an error in his manner of citing the two acts of a former debate. He then reiterated his real manner of stating; that by the 6th of George the 2d, the sugar trade of Ireland was restricted in respect to the British colonies, if not in British bottoms, (the sugars being first landed in England) except with Spain and Portugal. And that by the 4th of George the 3d, the act cut off even the advantage we had of trading with Spain and Portugal. The confidential Secretary of the Lord Lieutenant said there was no such law as the prohibition act against Ireland, for importing sugars from Portugal, but upon going home, and turning over the statutes, he found the reality of such a prohibition. A hireling scribbler might be found to misrepresent all he said, but he might probably bring that scribbler and his patron before the bar of that house, to tell the cause of such an open misrepresentation. It was want of wisdom in the Parliament of Ireland in not procuring a repeal of such acts as militated so materially against their freedom. That secretary who had been sent to America, who had written on the constitution and trade of Ireland, had suffered that solitary pillar of the statute to remain which had coerced this kingdom, and offered to release America. He adverted to the present business of the day; for though it was asserted, by an equal misconstruction of his words in one print, and copied into another, that he intended to go into the general rights of Ireland, it was another misrepresentation of his words and sentiments. He intended only the matter of the Mutiny-bill;—the Mutiny-bill was a pillow upon which liberty could never repose; it was a matter which should be reiterated through every period of the session; there was no corner of the kingdom in which it should not be spoke of; nor was there a person in the kingdom who had a regard for its freedom, that should not be active in opposition to it.—

He might, he said, be called a *speculist*; was there a man among them in a private or public station, who could say he was not a *speculist*? Every man who would assert he was not a *speculist*, was a fool. There were men whose fond speculation would be found upon a bribe, and others who speculated to counteract the effects of it. The hireling of a court might say, that Hampden and Sydney were speculists; the revolution itself speculative. But it was such speculation as established the liberties of England. When speculation was named, it should not be to those who were found practical in the good of their own country. Why did not they imitate the policy, the good conduct, and the mode of a sister country; the Mutiny-law of England set out with the bill of rights, it referred to the petition of rights; why omit their recitals? Were we a wiser nation? An English act said, that no man should be pressed for the quarterage of soldiers; Why did they not

follow such a wise example, and introduce such a clause into their own act? The constitution of England denied the admission of foreign troops, and when the Hanoverians were sent to Gibraltar, it was a matter of debate whether it was legal to introduce foreign troops into any part of the British dominions; the crown lawyers said it appertained only to England, and not to any part of its external dominions. A standing army was looked upon as inimical to the liberties of the country; why not recite such hostages in their Mutiny-bill, as should not give a standing army existence in their constitution?

If they were erecting an edifice to Irish liberty, why did they not inscribe the condemnation of such a criminal law on the porch of the temple, in order that it should be for ever held up as an excrescence on the constitution? Why were those speculists so unspeculative, as not to limit their number of troops, like England? The dignity of the Irish Parliament would not, some days since, admit, that an English act should be read in that House. How could they account for such a delicacy, after the strange indelicacy of acting at that hour under an English law? The Irish army establishment was 15,000 odd troops, that of England 18,000; that kingdom was three times greater in population than Ireland, and yet it admitted of little more than the establishment of Ireland. In time of war they lost a great part of them; they made a provision that they could not have those troops in time of war, which were of no use to them in the time of peace. Were they to barter their rights for the support of a standing army, which, with the hereditary revenue, must be always lodged in the executive power of England, when they knew the standing army must be an enormous power in the hands of the executive power of England? Should any great contest arise, could they say, that an English army would not be sent to reinforce the King's army in Ireland? Laws were made to punish the wicked, support the constitution, and not destroy it. What could tempt them to pass a Mutiny-bill, which militated against both? Could they have too many pledges for their liberties? Since the Revolution, when a bill was sent up to the crown, it was not known to have been refused—but there was a body of men in this kingdom who thrust themselves between the legislature and the crown, and took the liberty of judging on and stopping every thing of that House they took a dislike to. Two false and impudent assertions had been circulated without doors: It was said to the English Parliament that they should still maintain the sword in Ireland. He should suppose, for argument sake, that there was no army in England; what army had the King then but that in Ireland? The people of Ireland had given up their own power over the army; and nothing could be a greater insult than the dic-

tation of an English Ministry to resign that power. Secondly, the Minister of England had found his pride hurt to renew an act, biennially, for a part of the empire, which he dare not refuse annually to England. They had by the Mutiny-bill invited that insolence of which they pretended to be afraid; they had marked the abject dependence of the Irish Parliament on that of England. And yet he would seriously ask them if any Member would venture to assert that the British Parliament would pass a perpetual Mutiny-bill? No. And yet this kingdom, intitled to the same rights with Great Britain, passed a perpetual Mutiny-bill. He then recited some clauses of the British Mutiny-bill, and said he intended to move for a resolution of the House,—"That a law of indefinite duration, with the aid of the hereditary revenue, was repugnant to the principles of the British constitution."

Sir *Frederick Flood* seconded and supported the resolution, and also the heads of a bill proposed by his Right Hon. Friend and Kinsman, with great force and argument. He apologized for saying a word upon a subject which had been so fully discussed and so ably argued; but as he was called away on the last night of debate upon the subject by a dying friend, and lest by his not voting on that night might be imputed to his entertaining sentiments on that subject different from the wishes and interests of the *people* of Ireland, he therefore thought it incumbent on him to declare, that his opinion entirely coincided with those of his Right Hon. Friend.

He asked, whether any man in the House would be hardy enough to avow, that a perpetual Mutiny-law was better for Ireland than a limited and biennial one?

Whether any man could venture to assert, that a perpetual Mutiny-law was constitutional either in England or in Ireland?—Whether any man would dare even to whisper in the British Parliament the idea of a perpetual Mutiny-law?—If not there, why here?—Why should not Irishmen look with the same pride and jealousy as the English do?

He said, we have the same constitution with Great Britain, or we have not; if we have, why not have the same limited Mutiny-law from session to session?—If it be contended that we have a different constitution, is it a reason why our fears and jealousy should be increased, for we have the hereditary revenue of Ireland, and the purse and power and aids of England to dread; and though we had nothing to fear during the present auspicious reign of a most amiable Sovereign as ever adorned the British throne, yet as tyrants have been, so tyrants may hereafter come, who would make use of this dangerous engine of power against the liberties of Ireland, and a future unkind British Parliament may loosen the hands of future Majesty to enslave Ireland. He

said that a perpetual Mutiny-law was a self-condemned measure, and that it was the seal of power over us. He said he voted in the last session of Parliament for a perpetual Mutiny-law, not upon the principle, but from the necessity and expedience; as it was then late in the session, and no law existing, to regulate the army of Ireland. And that if he had voted for it upon the principle, he should deserve to forfeit his head to the state, for his perfidy and breach of trust.

He begged that octennial trustees and representatives of the *people of Ireland*, would consider and beware of their conduct; and that wise men should look forward to possible as well as probable consequences.

The *Provost*.—I am ashamed to hear a gentleman make a comparison between our Mutiny-bill and that of Britain; nor can I see how, with any appearance of propriety, the preamble which is affixed to the English act could be applied to ours.—The English Mutiny-bill grants an army to the Crown, assigns their pay, and regulates their conduct; but ours does not grant a single soldier, does not assign a shilling towards their payment, and only agrees with that of England in regulating their conduct.—The two first objects, of granting men and appointing their pay, are performed by other acts of the Irish legislature; and gentlemen are driven to a pitiful shift, which is of itself sufficient to *mark the weakness of their cause*, who say that as our Mutiny-bill authorizes the recruiting of the army already granted, it does therefore grant an army itself. But, Sir, this business has already undergone a most solemn discussion in this House, and it is totally destructive of freedom, and utterly subversive of the rules and orders of parliament, to enter again upon a subject already decided in the same session. For these reasons, and as I think the Right Hon. Gentleman's motion a libel on the proceedings of parliament, I shall most heartily vote against it.

Mr. *Bushe*.—I was never more astonished in my life than at hearing the Right Hon. Gentleman's motion. I thought that he would have attempted to tear up the evil of the Mutiny-bill by the roots—that he would endeavour to establish the power of parliament on the foundation of the constitution.—[Here Mr. *Flood* interrupted Mr. *Bushe*, and said that his intention was to found a bill upon the resolution if it passed.] If the Right Hon. Gentleman will withdraw the motion, and bring in heads of a bill to repeal or amend the Mutiny-bill, which he may do without impeaching the law of the land, I will give it the same strenuous support that I have ever done; notwithstanding the attacks that he has made upon me, who first introduced a limited Mutiny-bill. There was no occasion for my introducing in it the preamble of the English bill—Ireland wanted not a declaration of her right, but an exerti-

on of her power—*her free and uncontrollable right of legislation is by all acknowledged.*—But even if it was necessary to make a declaration, should it be introduced into a resolution, that is a libel on the laws of the land—it is holding a farthing candle against the sun.—The Right Hon. Gentleman has asked, why a record of our freedom was not hung up in the porch of the temple of liberty? Probably it was because that some of the priests were *absent*, or perhaps that they who were present had not their *oracle* to inspire them. Whenever a repeal of this bill (which I think cannot be far distant) shall be undertaken, I have said, it shall meet my warmest assistance. In the mean time, I would wish rather to revive expiring liberty, than by any violent commotion to hasten her departure—rather to make her pillow easy, than create a quarrel on her grave.—Those resolutions are teeming with mischief, productive of tumult, and if supported, would hurry us to ruin; and, therefore, I do oppose them.

Mr. *Martin*.—As an enemy to the malignancy of a perpetual Mutiny-bill, I must support the resolution. If the Hon. Gentleman thinks the law ought to be repealed, he should join in that support. The Mutiny-bill of England being annual, is a strong reason that ours should be annual too—we have no less reason to fear the hand of power than the people of England. I lament that administration will not put it in the power of gentlemen who wish well to Ireland, to give them support; that they will stifle this business in the birth. For my part, Mr. *Speaker*, I cannot say and unsay; I do not possess that amiable pliability of temper that an Hon. Gentleman on an opposite bench enjoys.

Here he was interrupted by Mr. *D. Daly*, who said he was extremely out of order; that if he thought the arguments used by Mr. *Bushe* were wrong, it was his duty to answer, not to misrepresent them.

Mr. *Martin* replied, that as he had not been used to speak on different sides of the same question, he might possibly be out of order; but requested Mr. *Daly* to repeat the words of Mr. *Bushe*.

Mr. *Daly* repeated Mr. *Bushe*'s declaration, that he would be ever ready to assist in repealing the bill; but could not agree in the resolution, as a libel on the proceedings of the parliament.

Mr. *Martin*.—Then, my position is, that a gentleman who supported a limited Mutiny-bill formerly, is, called upon to support the resolution now proposed by the Right Hon. Member (Mr. *Flood*) for this resolution is the foundation of a limited Mutiny-bill, and supporting it, is supporting the bill itself. I have said that I feel the want of a pliable temper; for this I have been called to order, and by an Hon. Gentleman from whose reproof I feel tenfold pain; but I would wish to hear the Chair decide on this subject, that, if I have really been out of order, I may make the best apology in my power.

Mr. *Daly*.—I thought myself called upon, by my friendship to the Hon. Gentleman, (Mr. *Bushe*) and by respect to the House, to prevent his sentiments from being mis-stated; and if I had not thought the speech of the Hon. Gentleman (Mr. *Martin*) strongly militated against parliamentary order, I should be the last man in the House to interrupt him. As to the resolution proposed, I think it exceedingly improper; and I think that every good purpose may be answered by a bill to repeal the perpetual Mutiny-act, without throwing a slur upon the proceedings of parliament; and though I will not insult the House by a deliberate insult on its proceedings; though I will not be made an instrument to gail the public, by supporting the resolution, which can have no effect, yet I will now, and at all future times, use my best endeavours to obtain a limited Mutiny-bill. At present I shall support the previous question, as the regular and parliamentary mode of getting rid of this very improper resolution, without making use of any whiffling amendment to destroy it.

Mr. *Bushe* said, that his sentiments were so plain, that he was convinced every man understood them, and therefore he would take no pains to explain them further.

Mr. *Martin*.—To avoid being out of order, I shall return to the resolution.—I desire to know, if this subject had never been started, whether the gentleman would think Ireland bound only by its own laws, as it has been asserted, that the perpetual Mutiny-bill is a security to our legislature; [a cry of *no, no,*] well then, if not, the wishes of the people ought to prevail, as there can be no reason to the contrary. Malicious people in Great-Britain may insinuate that the standard of rebellion is ready to be reared here, and therefore desire that we may have the bill; for which reason I shall give my affirmative to the resolution.

Sir *Boyle Roche* perceiving that Mr. *Flood* had whispered Mr. *Martin* during the time he last spoke, said—I am convinced, Mr. *Speaker*, that the Hon. Gentleman would speak much better without a prompter; [a peal of laughter] but this is the very first time that ever I heard it insinuated, that the standard of rebellion was ready to be reared in this land of loyalty and liberty. I thought the acknowledged loyalty of the Irish people, was as distant from the detested form of rebellion, as *from the centre-thrice to the utmost pole*; but if ever such a damned insinuation was made, it must have arisen from the infamous practice, that should not be heard with patience in that House, of likening this country to America. If we are not misrepresented we shall be happy, but if infamous falsehoods are propagated among the people to sting them into madness, who can answer for the consequences?—I will therefore support the previous question.

Sir *Richard Johnstone* said, he altogether disapproved of the resolution. He had voted for a limited Mutiny-bill on its progress

through the House last session, and had voted against the Mutiny-bill altered and made perpetual, on its return from England. He had, upon the same grounds, lately supported the motion for its limitation and amendment; and should, as long as he had a seat in parliament, maintain that opinion; but the present motion, he said, he could not defend:—He would never concur in a resolution of one branch of the legislature against the law of the land. He called to the recollection of the House, what disquiet and discontent a vote of the British House of Commons, in the case of the Middlesex election, against the law of the land, had occasioned in that kingdom; he hoped the resolution would be withdrawn, and the business taken up, on defensible ground, in which it should have his support.

Mr. Flood.—As it is not my way to quarrel with friends, or enemies, for trifles, I will consent to withdraw the resolution; and move for heads of a bill.

Mr. Toler.—As this subject has already been disposed of this session, I did not think it would be necessary for the Right Hon. Gentleman to make any speeches on it, or even to repeat the old, especially as the House had listened to him with unexampled patience. But on the periodical return of the session, I should have attended to what he had to say. As to the anniversary sermon on Poynings'-law, does the Right Hon. Gentleman recollect, that he has already read us a pamphlet on the subject; and given us a lecture from Blackstone's Commentaries? Or does he think that having been absent when the law was first introduced, he has a right to make up his loss by speaking twice as much as any other man? Or by alarming the pride of the nation, does he consider that he may do a mischief which he can never redress? To prevent this, therefore, every man who wishes well to his country, is called upon to preserve the order of parliament, and oppose the revival of the subject.

Attorney General.—This is the most monstrous and absurd proposition ever introduced into parliament. As I would not take from the Right Hon. Gentleman an opportunity of displaying those admirable talents he possesses, I have patiently waited the conclusion of his harangue: But I appeal to the House, whether in the very first sentence of that splendid oration, he did not declare that the subject was already exhausted; yet, after that declaration, he makes three or four desperate plunges to get out of the bounds of parliamentary order, and begin his course anew. Now, let me suppose, that the question had been decided in a different manner from what has been done, how would the Right Honourable Gentleman oppose, and justly oppose any attempt to bring it on again in the same session? This necessity of adhering to parliamentary order, lost us the Absentee-bill; that favourite measure, which would have made the minister the nation's idol, yet was he oblig-

ed to forego so great an object, rather than infringe the established rules of parliamentary order; sure then there is not that drudge of faction who would wish to do so much mischief to his country, after a subject has day by day been agitated, after it has been proposed to the House, after it has been referred to a committee, after it has gone through all the regular process of parliamentary debate, and has been settled by a most respectable majority, who would wish to overturn every established rule, and bring it on again. I speak, Sir, the language of liberty, and the sentiments of a freeman. Are you not now teaching administration how to defeat the people? Do you not shew them, that though defeated in a first, or a second, or a third effort, how they shall feel the pulse of the House: seize the moment of opportunity, and carry any measure by perseverance? The language is, that we should repeat this subject on its own merits, and nothing but the abilities of those who support it could make it be heard at all. It is inadmissible in parliament, and the greatest injury ever offered to freedom.

Mr. *Bagenal* said, that he could not see what mischief could arise from the struggling to get rid of an unconstitutional law, and that, let the mode be ever so unusual, he would support it; for that it was such laws that raised disquiets in the minds of the people. He said, that in a despotic state every man must be a slave or a rebel; and that, in a country like this, where foreign influence prevails, where even a foreign legislature usurps dominion, that three millions of people, not yet sufficiently initiated, not yet contented slaves, might, by long suffering and disappointed hopes, be driven to embrace the latter desperate alternative.

The *Provost* said, he would prove the inutility of the bill proposed, as there were laws now existing fully capable of answering every purpose that could be intended by it; and it was absurd to have two or more laws exactly to *the same purpose*. The Right Honourable Gentleman, he said, had waved the resolution, as clashing with the rules of parliament. He should now wave the motion for heads of a bill, as clashing with the established laws of the land.

The question was now putting, when Mr. *Eden* rose and said, that he gave this interruption, not from any anxiety about the decision, which was easy to be foreseen. [Here there was a laugh on the opposite side.] It had been avowed, he said, that the object of the bill now proposed, was substantially the same as that which had recently been negatived by a large majority: It would therefore be an unmanly and unworthy idea, if it could be supposed, that the House would adopt a bill under one title, which upon the fullest discussion had been rejected under another. His anxiety was on another point; he was anxious for the order of parliament, and especially when that order entrenched on the barriers of the

constitution: Where would be the end of parliamentary discussion and debate, if points fully agitated and decided, might be thus resumed in the same session? Where would be the safety of the constitution, if the practice should be established, that a measure rejected to-day upon a fair hearing, might be brought forward again to-morrow, or whenever the disappointed party on either side of the House could frame a majority to carry it, either by surprise or by influence? He referred, in expressions of friendship and praise, to a book on the orders of parliament, lately published in England, and wished to see it republished here. He, respectfully towards the *Speaker*, wished for a decision on the point of order; if however, it should not be agreeable to that decision, he would not urge it; but having stated the objection, would give his negative to the question.

Mr. Grattan.—It is very odd that the same chorus of voices which formerly said this was not a Mutiny-bill, should now admit that it is; but rest their defence on its not being like to that of England. The Right Hon. Member thinks, that without a flagrant violation of the rules of parliament, we cannot now bring in the heads of a bill proposed; but I desire he will consider that those heads are only to explain and amend. Suppose the English act should alter the essential articles of war, is there a military man in this house (I do not desire the opinion of a military pedant) who would say that we could not touch a bill for two years, but must govern for that time our army in a manner different from England? Therefore this is an answer. The Right Hon. Gentleman says, he has no anxiety as to the fate of this question. I am sorry he has no anxiety. I am sorry he can state this to parliament. But is this security founded in the potency of the arguments that were used on a former night? If it be, it was not even then asserted that a perpetual Mutiny-bill is better than a limited one; for even then his friends gave up the principle. I have a note, a faithful record of that night's proceeding, and I find that no man in the House said it was better; but though it may be against established form, yet I think the powerful arguments that have been used should plead for another hearing. If gentlemen are not afraid that the public mind should receive constitutional truths from one side of the House, and perceive the contemptible shifts of the other side, they will not oppose the motion. There is not a man in the House but knows that it is the wish of the nation. There is not a man but knows that the nation *will be* gratified. That the nation *will carry* this law as it carried the Octennial-bill; that bill which was debated session after session, but which at last was conceded to the *voice of the people*.

The *Provost*.—I rise to set the Honourable Gentleman right. I beseech him to think of me *as I am*. I have no idea of stopping

constitutional debate. I desire that it may be put on a broad bottom. I desire that a day may be appointed to enter again fully into the debate. I said it was a Mutiny-bill, but unlike to that of England, as it neither created an army nor appointed pay, but merely regulated their conduct. This argument has not been answered, because it cannot. We have passed a law to enable his Majesty to punish mutiny and desertion, in the last session, and are we now to pass a law to take this power of punishing into our own hands?

Gentlemen sound an alarm, and say the constitution is in danger; I will be as forward to defend it as any. I do solemnly declare, that there is no power on earth could prevent me. I have in this House two dear pledges, whose liberty, whose honour are too valuable for me to trifle with.

I have on many occasions differed from the sentiments of the majority of this House; but can any man say, that I ever impeached a law after it had received the sanction of parliament?

Mr. Flood asserted that the example of parliament in reconsidering the Absentee-bill was a sufficient precedent, and should be followed. That bill, he said, had been reconsidered, and Mr. Malone, that most experienced senator, though before he came to the House, he had declared against the propriety of reconsideration, yet afterwards made a most animated speech in favour of it; but common sense (says he) tells us, we should seldom consider any subject so seldom as once; why, therefore, should we stifle a matter of such importance? Do gentlemen think that suppressing the evidence of truth will give content? Do they think that *they* are of so much consequence, that *their mandate* will quiet the people? Or do they think that the people are not under the same influence of men who breathe a purer air abroad; let those act who dare; but let those who have dastardized their souls, and stifled every dictate of honour, be silent. I am told that the evils I dread are chimerical, and that *I am a speculative man*. This was the language that was perhaps used to Hampden, by the corrupt Crown lawyers of Charles I. they told him he was a *speculative man*, to hope for redress in the King's courts against the King; that it would be better for him to pay the King 20s. and receive back 40s. from the public; and that none but a *speculative man* would enter into such a contest.—I am told that it is wrong to speak of America; but I speak only of the calamities which an attempt to enslave that country has brought upon the empire, as a lesson for us to avoid the like. Gentlemen fear that those speeches will excite a turbulent spirit among the people; but were the people turbulent, when we were honourable? Were the people turbulent when 50,000 men rested on their arms in a confidence of our virtue? Indeed *they will* be turbulent if that which can never happen to this parliament should arise—if their representatives

should become corrupt,—I would speak upon this subject till I fell prostrate upon your floor, had I any hope of being successful; but if what has already been offered should fail of its effect, how shall I hope to change your resolution?

The *Attorney General* stated the facts relative to the Absentee-bill, in a manner totally different from Mr. *Flood*, who frequently denied what the *Attorney* asserted; but the *Attorney* said that he was right, he knew he was right, and he would not be set wrong by the Right Honourable Gentleman. As to the account that was given of that respectable and venerable character, Mr. *Malone*, it was impossible that it could be just, as he was then in the chair of the committee of supply; for this, says he, I may appeal to your Journals, but it is well known that administration threw all its force against the reconsideration of the Absentee-bill, though then their favourite object, rather than subvert the rules and orders of parliament. But, continued he, we are told, of turbulence and commotion; is it because one man is discontented that this happy country shall be disturbed? The people are too wise, the people are too loyal. I have heard a great deal of invective, and many general observations against Crown-lawyers, but these observations I treat with the contempt they deserve. [Mr. *Flood*, I speak of the Crown-lawyers of Charles's time.] Then, continued the *Attorney*, I would no more defend the *bad men* of *that day*, than I will defend the *bad men* of *this day*, and I say, that he cannot be a good man that has his head crammed with turbulence and rebellion; there is no similitude between the present times and those which the Right Hon. Gentleman has alluded to, nor is there any reason for his frequent mention of corruption; if a rebellion could be raised, no man possesses more ability to promote it—if stopped—no man possesses greater abilities to allay it. Thus, powerful as he is, I hope he will consider the people, and that his wrath may not be like that of Achilles, only to be appeased by the blood of his country.—I perceive, Mr. *Speaker*, that we are all growing warm, and if the House will permit me, I'll tell you a story, which may help to bring us into better temper. [A great cry of hear him, hear him.] When I was at the Temple, there was a parish clerk that used to raise the psalm, and who went by the name of *Harry Plantagenet*; I had taken it in my head, that the family of the *Plantagenets* was quite extinct, and was induced by curiosity to ask this man how he came to be called by that name; accordingly I went to him one day, and mentioned my wish to know his story:—I was once a King, Sir, said he, and reigned with uncontrouled dominion over hounds and greyhounds, beagles and tarriers, by which I have acquired this name; but if you please I will relate my story at large:—*Go on, Harry*, said I.—I lived in the neighbourhood of Windsor Forrest, when a boy, and used

frequently divert myself with hunting the King's deer; for I always loved to hunt the *King's* deer.—*Go on, Harry, said I.*—I hallooed and I shouted so loud and so often, that there was not a dog of the pack but what obeyed my voice; not a lad in the forest but attended my call:—*Go on, Harry, said I.*—At last, Sir, the chief huntsman perceiving what command I had over the dogs, and the sportsmen, resolved to take me into his pay:—*Go on, Harry, said I.*—I accepted of his offer, but I now found myself so much at my ease, that I grew indolent, and insisted upon riding out to hunt in *furniture*, for I always loved to hunt in *furniture*:—*Go on, Harry, said I.*—I was indulged with furniture, but I soon perceived that the younger fellows who could now outride me, became greater favourites with the chief huntsman:—*Go on, Harry, said I.*—This stung me to the quick, and I determined to pick a quarrel about some of the fringe of my furniture which was torn, and which I would have repaired at the chief huntsman's expence:—*Go on, Harry.*—*I immediately began to hunt in opposition*; but not a dog obeyed me, not a sportsman attended my call:—*Go on, Harry.*—I hallooed, and I roared, and I shouted until I was weary, but still without any effect. I had the mortification to find, that I had totally lost my influence in the forest; and I retired to this parish to devote the rest of my days to the making of my soul, and I now raise the psalm and join in the thanksgiving.—This, Sir, is the story of *Harry Plantagenet*, and his story I would apply to every man who cannot be quiet without expence, or angry without rebellion.—While the *Attorney General* told this story, which he did with infinite humour, the House seemed convulsed with laughter; and he had scarcely proceeded five sentences, when the gloom which had prevailed, was dispelled.

At the conclusion, Mr. *Flood* arose.—I cannot perceive the smallest similitude between this story and my situation, (a great laugh) except that my name is *Harry*—I have indeed been a huntsman, but then I was never a whipper-in. But the Right Hon. Gentleman has the happy talent of turning every thing to his advantage. When he became an object of popular resentment—he traversed the streets with a guard—he looked melancholy at the bar—sighed in the house—cried in the council—and blubbered in the antichamber.—The people were astonished, the women went into mourning, government thought all her functions was suspended, and nothing could allay the general concern, but a plentiful reversion for the Right Honourable Gentleman. When the fleets of England, at a great expence, made a number of little descents on the French coast last war, it was wittily said, that we were breaking panes of glass with guineas; and though his house is filled with the richest and most elegant furniture, yet I will venture to say, that no part of it cost so much as the CROWN GLASS with which his windows were repaired.

The *Attorney General*.—I am glad of the happy return of temper that the little story of *Harry Plantagenet* has caused. It requires, I confess, uncommon talents to make the misfortunes of a friend the subject of laughter. I hope the Right Hon. Gentleman will never meet with such treatment from that society whose love I have always endeavoured to merit, and whose love he has always possessed. But I desire this opportunity to declare, that the glass and furniture he has mentioned, never cost the public one farthing; and though I have had the honour, now twelve years, to serve my King and country, I never burthened the establishment with a shilling.

The *Speaker* declined giving an opinion on the question, or considering it as a point of order, but left the determination to the House, which divided.

Ayes for the question — 66

Noes — 146

The House adjourned 'till Tuesday.

TUESDAY, DECEMBER 5.

The House having gone through some ordinary business, Mr. *Yelverton* arose and said—I had determined this day to bring on a motion which I think it my indispensable duty, at a proper time, to pursue; a motion of which I will never lose sight, until a mode of legislation, utterly repugnant to the British constitution, shall be done away; but the melancholy intelligence received from America has, for the present, diverted my attention from that object, and turned my thoughts into another train; and I think it but decent to defer the consideration of Poynings law, and for the present devote my whole faculties to the momentous situation of the public affairs of the British empire.

I have always looked upon the true interest of Great-Britain and Ireland as inseparable, and I thank Heaven we have now more reason to say so than ever. Great Britain cannot experience a misfortune which we shall not feel. She cannot gain an advantage which we shall not partake. It would then ill become the approved generosity and unshaken loyalty of the Irish people, to remain in silent apathy or sullen insensibility on so great an occasion; when Britain, surrounded with enemies, and struggling with magnanimity against a warring world, becomes the object of admiration of every generous mind. But when, as Irishmen, we consider our connections with England, what ought to be our feelings? We are called upon to testify our affection and unalterable attachment to that country, and to convince foreign nations that WE DO NOT DESPAIR OF THE COMMON-WEALTH, but that the British empire still has power and resources to render her formidable to her numerous enemies, and to convince them that the

dismemberment she has suffered, has only served to draw the remaining parts into closer union and interest.

I will therefore move, that an humble address be presented to his Majesty, to express our unalterable loyalty and attachment to his Majesty's royal person, family and government, and to assure his Majesty, that in the present critical situation of affairs, *when his Majesty's dominions are exposed to a powerful and dangerous combination of enemies*, we think it peculiarly incumbent on us to declare our warmest zeal for the honour of his Majesty's crown, and our most earnest wishes for the British empire.

That conscious that our interests are become inseparably united with those of Great Britain, we feel that the events of war involve both countries in a common calamity; and to entreat his Majesty to believe that we hold it to be our indispensable duty, as it is our most hearty inclination, cheerfully to support his Majesty to the utmost of our abilities, in all such measures as can tend to defeat the confederacy of his Majesty's enemies, and to restore the blessings of a lasting and honourable peace.

The Recorder.—As Representative of the first city in this kingdom, I could have wished for an opportunity of taking the sense of my constituents upon this question; but though I have not had that opportunity, I think I may safely declare, that they are not to be outdone in loyalty, and in an affectionate attachment to the British empire, by any people whatever. I shall, therefore, second the motion of my honourable and learned Friend, in a firm reliance that the gentlemen who generally form the minority in this House, will act in a very different manner from what is called the opposition in England. I am generally in the opposition in this House, but it is an opposition upon principle; it is an opposition to serve and not to embarrass the state; and I am sure the gentlemen with whom I have the honour to co-operate, all act from the same motive. But now let us demonstrate by our unanimity in the hour of trial, that in our opposition we have only the good of the empire at heart. Though I have always reprobated the American war, yet I think that this country has no great obligations to America, except it be for sending her privateers into our channel and destroying our trade; it is, therefore, I think our duty to give our best support to the crown, and shew that we are worthy of those affectionate expressions contained in the speech from the throne.

Mr. Brownlow.—I consider it a misfortune to be obliged to object to the address proposed; but when I oppose it I would have it believed, that I do not desire to embarrass any motion intended for the public good:—Measures, not men, have ever been my object.—But though in loyalty and attachment to my sovereign, I do not yield to any member of this House, yet I think I should give bad proof of that loyalty if I should assent to any measure

that might tend to plunge us into the American war:—That war I consider as ruinous—founded on principles of injustice—begun in error, and leading to destruction.—Let us not, therefore, by any act of ours seem to give it countenance. There are some expressions in the motion that may be construed to have that tendency, and therefore I oppose it.

Mr. *Ogle*.—I have no objection to any address expressive of our loyalty and affection to his Majesty, but I never will consent to one that can flatter him to his ruin, and urge the minister to pursue that frantic war that has already rent the empire in sunder.—If there be any such thing in this address, I think it incumbent to oppose it; though at the same time I declare his Majesty has not a more loyal or affectionate subject than myself.

Mr. *Crookshank* concurred with the motion of Mr. *Yelverton*. He said, there was no man in this kingdom that must not feel for the late disaster that had befallen his Majesty's forces; that there was no subject of his Majesty who must not feel for the anguish of the royal breast; and there was no man who possessed a particle of loyalty, that must not be anxious to soothe it. He, therefore, had a heart-felt pleasure in having an opportunity of giving his voice for the address proposed, and he saw no expression in it that pledged any man to support the American war.

Mr. *Metge* said he was persuaded of the purity of the intention of the Hon. Gentleman who had introduced the motion for an address, was convinced he was possessed of as ample a share of that generosity and bravery which he had justly attributed to this country as its characteristics, as any individual either in or out of that House; but, he observed, that there was a facility of temper that accompanied generally the best understandings; there was (to adopt a word of a favourite author, who applied it in a good sense, otherwise he would not take the liberty of using it) a CULLIBILITY in the temper of some gentlemen, which, however amiable in private life, through the extreme of delicate virtue, yet it was not THE STUBBORN VIRTUE OF A SENATOR. The Hon. Gentleman, he said, intended the address, he verily believed, as one of *condolence*, and as expressive of our loyalty and attachment; and so far it had his concurrence: But it conveyed, in his opinion, a consent in the Irish parliament to continue that pernicious war, that had already almost made the empire totter.—It did not appear to him that it was yet absolutely determined in Great-Britain to continue the American war; that the opinion of so respectable a body as the Irish parliament must have great weight in the resolutions of Great-Britain—that it would be now premature to deliver their sentiments upon a subject teeming with mischief, and might turn the ballance in favour of adopting a measure, that he feared would be fatal in its consequences to both countries; that if we volunteered in thus ap-

proving the continuance of so destructive a war, that we should be accessaries to the event, which he foresaw, without pretending to a prophetic spirit, must be the unnecessary spilling of more blood, and an idle expenditure of more money. He wished, as well as the Hon. Gentleman, to consider the interests of both countries as inseparable, and, on this occasion, he was willing to forget the instances in which COMPLETE JUSTICE was not rendered to this country; but, as the address appeared to him to countenance a measure that did not tend to promote the interest either of one country or the other, he could not be reconciled to it. He said, this address was an implied approbation of past conduct, as well as a pledge to support the future. He concluded with saying, that with perfect loyalty to his Sovereign, affection to Great-Britain, and respect to the mover of the address, he must give it his negative.

Mr. Grattan.—As far as I have been able to collect the *sense* of the address, and the *intention* of the honourable and learned mover, the *object* is not to pledge this House for the prosecution of the American war, for it declares our most zealous wishes to promote a speedy and honourable peace; but if by any means the address should promote this most destructive war, my Honourable Friend will find that he has been, though unintentionally, the instrument of mischief; and he will hereafter find himself obliged to oppose those ruinous measures, which may result from this address. Now I have examined the address, and find that it does pledge the House, in these words:—"That we will support his Majesty in all such measures as may tend to defeat the combination of enemies, &c."—To support his Majesty, how? In all such measures as may tend to defeat the confederacy of his Majesty's enemies! Is not this pledging Ireland? Will gentlemen say that by these words we are not pledged? Will the first Minister in this House say, that this is a mere compliment of condolence? He cannot say it—we pledge ourselves to continue the American war, against our interest, against our inclination; and this without a single stipulation on our side.—In the year 1777, our address to the throne was unanimous, because it made no mention of the American war, though at that time the arms of England might, comparatively, be called prosperous; but now, when the injustice of the pursuit has brought ruin on the empire, shall we offer unconditioned and unstipulated aid? There is no man who is a friend to Britain, there is no man who is a friend to Ireland, who can consent to it. What, will you send more armies to be slaughtered; more generals to be made prisoners? Will you urge on a phrenzy that cannot enslave America, but must ruin England? *For now I can fear nothing from the war, but the ruin of England.*—The madness of ministers will go on 'till the decided resolution of parliament and people shall stop them.

England has still the old hankering after power. In the very last session she passed no less than four acts, naming Ireland; and 'till she shall renounce all claim to con roul this country, it would be madness in Irishmen to support her ambition.—While I say this, I am willing to join in any dutiful and affectionate address to his Majesty; and I have as much regard for England as any man can have that loves Ireland better.

Mr. *Yelverton*.—I never conceived it was possible to draw from the words of the resolution the meaning that has been drawn, and which they never meant—a meaning they do not convey, and which I never did intend they should.—I should deem myself a most unworthy apostate, indeed, if I should give any sanction, or the most distant support to the carrying on a war against America; but the words are misconceived, and it is impossible for the resolution to bear such a construction, without introducing words which are not in it.

The words are, “all such measures as may tend to promote a speedy and honourable peace.” Does this mean any thing but what in the opinion of this House shall tend to promote that desirable end? The House is pledged for nothing more; and it cannot be construed otherwise, except *purposely misconstrued*; if it were otherwise I would be forward to alter it; if it could be thought that by this the House was pledged to prosecute a war founded in wickedness and carried on in error, I would disclaim it; but I do not think this a proper moment to enter into an enquiry of the justice or injustice of the war. I feel, and every man feels, that Great-Britain has received *a wound*; the fatal effects of which it becomes the wisdom and generosity of this House to prevent. Does any man wish that the confederacy of enemies shall continue to the ruin of England? Or does he not rather wish to terminate the war? If he does, I call upon him to support the resolution.—I have ever kept myself unconnected with administration, and I shall do so while I have the honour of a seat in this House: My Honourable Friend, therefore, did me no more than justice in declaring that he thought my intention honest: But for the same reason that I keep myself detached from ministry, I keep myself detached from PARTY—I speak my own sense, and I will neither echo the language of a FACTION, or the dictate of a MINISTER.—It is said that there is a malignancy in the words of the resolution. I deny it. I think that in the present situation of Great Britain, we are bound to offer every assistance in our power; yet I am not so wedded to this form of words but I will consent to alter them.—[Here some one asked whether he meant to pledge the nation in the prosecution of a foreign war.]—I do mean to pledge the House for aid, and I hope it will assent. What, shall we, at the moment that we are receiving the

greatest favours from England, withhold our aid from the support of the very sources from which our greatest advantages are to be derived? When our commerce was unjustly restricted, the best blood of Ireland was shed in support of the British empire; and shall we now, that we participate in her dearest interest, sit sullen down with folded arms, and see that empire destroyed?

Mr. *Daly*.—I have received more pleasure from supporting a former address, tantamount to that which is now proposed, than from any other public measure in which I have been concerned: It was the first thing that gave England the idea of opening our ports; and now, as the present period demands greater affection and greater zeal than that to which I have alluded, so will a generous and loyal address at this time be the likeliest means to obtain for Ireland additions even to the benefits she has received. I cannot see how the ingenuity of any man can construe our earnest wishes for peace into a desire to continue the war. I will ask how peace is to be obtained? Is it by dividing and distracting the empire, or by drawing the members of it into *closer union*? Certainly by the latter: And as this address may promote that end, it shall have my hearty concurrence.

Mr. *Burgh* (of Oldtown) said, he did not understand how gentlemen could profess to look upon the interest and prosperity of Great-Britain and Ireland as inseparably connected, and at the same time, instead of support to the King of both countries, offer nothing but empty condolence.—How could he make a peace either honourable or safe with a combination of enemies, if he was not to be supported by his subjects?—He said, the limited exertions which the British ministry had been confined to from year to year, in every stage of the war, were perhaps a cause of the prolongation of the war, and of the present unhappy juncture; he stated this merely as a fact, by which he neither meant to approve of the war, nor to impute unworthy motives any where; it would ill become him to do it, who was known to hold the character of some of the persons who had opposed, in the highest honour—he argued from it, that nothing but unanimity was likely to extricate.—To contribute to this, his Hon. Friend had, with the generous feelings of a private, and the wisdom of a public man, proposed the present address, instead of the constitutional question he had announced long before the knowledge of the calamity had reached us. He was sorry to see, that in another House a new, constitutional, and speculative question had been started, for the first time, at the very moment of actual public distress, and apprehensions of the most serious nature from abroad. It was not at such a time that the Romans, jealous of their liberty as they were, chose to agitate new constitutional questions; they, then in the most jealous time of the republic, went so far even as to suspend all constitution whatever; they appointed a

Dictator—a dangerous expedient in any state, or any exigency.—But if they would adopt so dangerous an innovation, to unite the orders of the state in the common defence, let us not introduce unnecessary innovations to defeat that purpose. He concluded with observing, that when we expressed our distresses to Great-Britain, in the address for the free trade, she did not insult those distresses with an answer of condolence—the hour of her distress was that in which we should shew our gratitude, and return support.

Mr. Connolly.—I rise, Sir, as a man who never gave a vote that could in any degree promote the American war; as a man that most sincerely condemns and detests that damnable doctrine and position on which the American war is founded; as a man never engaged in any administration though wishing well to all; as a man never connected with party, which I detest and avoid; and I am happy to find the same sentiments entertained by the honourable and learned mover of the address, whose integrity and wisdom ought ever to be held in respect. He has seized the present opportunity to prove himself equally a friend to Great Britain and Ireland: He has acted as a man who perceives that now or never is the time to support the empire; for though America be lost, yet has England still in her power to raise this country to an envied pitch of greatness; and the affectionate loyalty and generosity of this address will speak so home to the feelings of Great Britain, that her gratitude will grant whatever this nation can want.

Mr. Forbes.—There have been so many insinuations thrown out against opposition, that it distresses me exceedingly to oppose this resolution; but I must differ from the gentlemen who say that the question for the day (Poynings-law) is not a proper subject for the present discussion. I think that this is the precise time to enter on it. Now that the British Minister's dream of subduing America is vanished, and has not *left a wreck behind*, is the time to shew him that it is unwise to oppress any country.

A liberal policy might make this island of more advantage, and more productive to the British empire than the great continent of America has ever been; and we should rather draw the attention of England to the advantages of this country, than support her in the prosecution of the American war. It is said that this address does not pledge us to support that; but if it does not, does it operate as a rebuke to give a check to it? The war in America has now ceased to be a war of policy or of defence, it is now a war of passion and resentment; this is evident from the tenth article of Lord Cornwallis's capitulation, and the answer given to it by the French and American Generals. Will any man after this fly to the British standard and be hanged for his loyalty? No. From that moment the British cause in America was undone. Let us not, therefore, abet the minister in his vain pursuit; the address of this House may have but too much weight.

I appeal to every gentleman who recollects, with what avidity addresses were sought from every paltry corporation in England, at the beginning of the war, whether my fear is not well founded? But if the address can be altered, so as to leave no equivocal expression in it, I have no objection to giving every testimony of loyalty and affection to his Majesty.

Mr. *Ponsonby*, jun. said, when four inveterate enemies had entered into an unnatural confederacy, to overwhelm Great Britain and Ireland, he could not discriminate amongst them; that to offer consolation and to refuse support, would be to insult England in the hour of distress, and therefore he would vote for the address as proposed by the honourable and learned mover.

Mr. *Parnell*.—I am extremely sorry there can be a difference of opinion on a subject which receives its great importance from unanimity—but if the words of this address are so very disagreeable to some gentlemen—let us adopt the address of 1777—that address pledged us to the defence of all his Majesty's dominions, and no ill use was made of the offer; why then should we fear for the present? Is it not in the power of the House at all times to determine the specific assistance it shall think proper to give? I desire to know of gentlemen, if an army of their favourite Americans was to land in this country, whether they would tamely hold out their throats and submit? But I have other views in supporting England in her distress, for if we are the willing companions of her misfortunes, her gratitude will make us the companions of her prosperity.

Sir *John Blaquiere* supported the address; he said he could not find, after all the ability that gentlemen had exerted to warp the words of it from their original meaning, that they pledge the nation to support the American war. Let the address, therefore, (said he) go in the language of generosity, in the language of unanimity; let England see that she has one friend who is a friend indeed; let us make the characteristic of Irishmen, and press closer to our friend, in proportion to the distress with which she is surrounded.

Sir *Hercules Langrishe* said, that gentlemen must have little knowledge of the private sentiments or public principle of his Honourable Friend (Mr. *Yelverton*) if they could suppose it possible that he should relinquish a great constitutional question, *which he had at heart*, to propose an address in any degree tending to continue the American war *which he always disapproved*—that he should postpone what he *loved*—to bring forward what he *disliked*.—No, it was not his wish to express an approbation of the American war, neither could his address bear any construction of that tendency. If that was his sentiment he would have expressed it; but it was not his sentiment, and therefore he did not express any such thing. An Honourable Member (Mr. *Forbes*) had

read passages out of the King's speech and English addresses. These had no relation to the present address—they breathed a continuance of the war—this address bears no inference to it.—He observed this was an address of generous sympathy; that the Honourable Member had not arrived at that stoical insensibility, which could prevent his feeling for the distresses of England, when he sees the whole world united against her—when he sees the empire ready to burst asunder, and the winds that used to bring us wealth and glory, now conveying details of our losses—histories of our misfortunes, with the humiliation of useless valour and devoted heroism. That in the human mind there was scarcely room for more than one great contemplation, and the only one that could now occur, adequate to the occasion, was, an endeavour to transfuse one soul through the part of the empire that remains, to indemnify ourselves for *what we lose*, by an improvement of what we *retain*; and our exerting every faculty of body and mind, to unite and bind together Great Britain and Ireland, the two great remaining pillars of the empire, by every bond and connection that can tend to improve their mutual strength, or promote their perpetual duration.

Mr. *Flood* reprobated the idea of giving any support to the American war; and moved the following amendment to be inserted immediately after the first, and in place of the second paragraph of the address:

“In a fond hope that this island, connected with Great-Britain by an indissoluble attachment and confidence, grounded upon the perfect acknowledgment of the parliamentary constitution of Ireland, will be able, by their united and cordial efforts, to repel the hereditary enemies of the British nation; and deliver down to his Majesty's latest posterity his royal diadem with undiminished lustre, his faithful Commons take this opportunity of spontaneously offering to his Majesty their lives and fortunes at this alarming crisis.”

Sir *Lucius O'Brien* opposed the amendment, and said, that the present moment was the time to testify our love and loyalty to that monarchy by whose special interference, (he was authorized to say) our trade to Portugal now stood on the very same footing with that of England.

Mr. *Eden* said that he rose to support the address, and, consequently, to oppose the amendment: that after the various digressions, which the debate had run into, it seemed not immaterial to recollect that the only points properly under discussion, were the occasion of the proposition made, and the proposition itself.

Of the occasion, it was enough to say, that it was a calamity of great extent and importance; and was, in his estimation, and to his feeling, so great, that though of a family which had great reversionary interests in one of the revolted colonies, though con-

acted in the warmest friendship with the gallant General who commanded, and though peculiarly concerned for some of the loyal individuals, who seemed to be devoted in the capitulation, he had been unable to advert to private interests, personal friendship, or private pity. He considered all secondary considerations as overwhelmed in the public concern. It was a calamity which tended to diminish the lustre of the diadem described in the proposed amendment; for the colonies were certainly some of the brightest jewels that adorned it. It was a calamity, which at least tended to increase the difficulties and dangers of the war, already difficult and dangerous.

Such being the occasion, the proposed address was surely well adapted to it, and did great honour to the gentleman who brought it forward—it would do great honour to the parliament which seemed likely to adopt it—it would convey the wise and just sentiments of the nation, which sharing the advantages of Britain, was disposed to share her distress.—He was, indeed, aware that some gentlemen, whom he believed to act from wise and generous principles, were, from some misconception, not willing to concur; but it was evident, that a large majority of gentlemen, well deserving those epithets, would give their concurrence; and therefore he would repeat what on a former occasion had been the subject of remark—“that he felt no anxiety for the fate of the question.”—He was incapable of anxiety for the fate of any question, when so generally and respectably supported. A Right Honourable Gentleman had accused him of making the treasury-bench his couch, and the constitution his pillow. He should be glad to find a resting place, when the situation of the empire gave so much cause for disquiet, but he should not look for it on the treasury-bench:—The constitution was happy enough to be a pillow to all those who shared it.

The address had been objected to, because it had not been called for—the voice of misfortune was surely the loudest call to good and generous minds—the time of calamity was the season for the display of affection—it was the hour of grief that the seal of love and friendship would make the deepest and most permanent impressions.

Mr. *Ogle* then proposed another amendment, which if agreed to, was to supersede that of Mr. *Flood*; it was to expunge the words, “when his Majesty’s dominions are exposed to a powerful and dangerous combination of enemies.” After some debate, the question was put upon Mr. *Ogle*’s amendment.

Ayes,	—	—	39
Noes,	—	—	167

The question was then put on Mr. *Flood*’s amendment, and negatived without a division.

The question was then put on the original motion of Mr. *Yelverton*, for the address, and carried.

Ayes,	—	—	167
Noes,	—	—	37

Mr. *Flood* then said—As I am neither to be intimidated by numbers, nor deceived by professions, I give notice, that on this day se'nnight, I will make a motion relative to the Law of Poynings.

WEDNESDAY, DECEMBER 5.

Mr. *Yelverton* reported from the committee appointed to draw up an address to his Majesty, pursuant to the resolution of yesterday; which was read paragraph by paragraph, and unanimously agreed to.

Sir *Edward Newenham* said he objected to every *iota* of the address, as it pledged those whom he had the honour to represent, to measures which he was sure they did not approve of; that he came to the House determined to make an amendment, but finding the House so thin, it was sufficient for him to declare those sentiments, which he was confident were the general sense of the whole nation—out of that House—and that was, to have no address at all—or an address to his Majesty to remove those wicked and treacherous ministers from his presence and councils for ever, who originated and still persevered in continuing the American war. And though the House might not now adopt these sentiments, the time was not very far distant, when they would join their constituents in a just condemnation of the present profligate ministry.

The address was ordered to the Lords, by Mr. *Yelverton*.

Mr. *Yelverton* reported from the Lords that they would send an answer by their own messengers.

THURSDAY, DECEMBER 6.

The House went through the heads of the bill for qualifying members to take seats in parliament; and ordered to be presented by Mr. *Crofton*, to his Excellency the Lord Lieutenant, for transmission.

And afterwards attended the Lords to the Castle, with the joint address of both houses of parliament.—[The same as moved by Mr. *Yelverton* on Tuesday.]

FRIDAY, DECEMBER 7.

The House in a committee, Sir *Samuel Bradstreet* in the chair, went through the Judges bill, and reported the same.

Sir *Samuel Bradstreet* presented a petition from the manufacturers of *new* and the manufacturers of *old Drapery*; also a petition from the corporation of weavers, complaining of some grievances from the office of Alnager, as exercised under a late law, and praying for redress.

Sir *Lucius O'Brien* said, that most new laws for regulating manufactures stand in need of amendment in some time after they have been passed, as circumstances will unavoidably arise, that the legislature could not possibly foresee; but he apprehended that the defects in the operation of this law, arose chiefly from the illegal opposition given to its execution, and that this opposition, he was sorry to hear, had been supported by a subscription. He said, that in order to enable him to assist in forming this law, he had carefully read over and digested no less than forty English laws contrived for the same purpose; that he had examined every thing published in France, and every thing published in Holland on the subject, and that he had endeavoured to apply the benefit of all his labour to the advantage of our manufactures, which he was certain, from the monstrous frauds and abuses he had discovered in them, could never flourish, except the law was permitted to take its effect.

Mr. *Fitzgibbon* said, as the manufacturers had applied to that House, by the proper and constitutional mode of petition, he hoped they would give up the illegal opposition which they had made to this act, and which they had endeavoured to extend, by writing circular letters to every person concerned in manufacture.

Sir *Samuel Bradstreet* said, he hoped it would appear, that the manufacturers were incapable of such a measure.

Mr. *Ogle* said he thought the principle of the act a good one, that it was absolutely necessary for the advantage of the nation, which had suffered so much in foreign markets, through the arts of *fraudulent manufacturers*, over whom it was but just that *honest men* should have a superiority.

Colonel *Cunningham* said, he would be ever ready to hear what the manufacturers had to alledge; but was convinced, that regulation was necessary for the interest of the country.

This was also the opinion of Mr. *Daly*, who said, that every discouragement should be thrown in the way of those who, by grasping at little unfair advantages, were in haste to make their fortunes, to the great injury of the country.

Sir *John Blaquiere* said he was happy to have an enquiry made by the House into the Alnager's-office, as it would appear that he had relinquished many legal advantages to promote the manu-

factures of the kingdom.—He hoped the enquiry would proceed immediately.

Sir Richard Johnson took notice, that as the bill intended for the further relief of the Roman Catholics, was a matter of great importance, particularly as it allowed them, under certain circumstances, to carry arms; that he hoped the members would pay a particular attention to it.

Mr. Garainer said, that he was ready at any moment to explain the full extent of his intention in the bill to the House, and to each particular member; and that as soon as possible after the Christmas recess he would introduce it.

Sir Lucius O'Brien took notice, that it had been asserted in a former debate, that certain laws had been passed in the last session of the British parliament, naming Ireland; that he had examined these laws, and found himself not at all injured by them, as they were merely advantages given to our manufacture, by encouraging the importation of flax and flaxseed from Flanders, &c.

Mr. Grattan being called upon by the House, rose: He began by requesting the attention of the House, and saying, that though the subject might not afford entertainment, yet it was of the first importance; and that he would endeavour to be as brief as possible.

He then began, and spoke as follows:—I will confine myself to a very few quantities; calculation is a dull subject—you have been often deceived by it; heavy in itself, it must be so particularly to you, who always find in the end, that the balance is against you; however I entreat that you will not give a rake's ear to a subject necessary for your consideration, though painful to your patience.

Your debt, including annuities, is 2,667,600*l.* of this debt, in the last fourteen years, you have borrowed above 1,900,000*l.* in the last eight years, above 1,500,000*l.* and in the last two years, 910,000*l.* I state not only the fact of your debt, but the progress of your accumulation, to shew the rapid mortality of your distemper—the accelerated velocity with which you advance to ruin—and if the question stood alone on this ground, it would stand firm, for I must further observe, that this enormous debt is the debt of the peace establishment; not accumulated by directing the artillery of your arms against a foreign enemy, but by directing the artillery of your treasury against your constitution; it is a debt of patronage and prostitution.

The next quantity I shall consider is, the growth of your expences for the last fourteen years; I will consider all your expences, that you may see the whole of your situation; I will

consider the expences of collecting the revenue, of bounties, of establishments, of extraordinary charges, and the interest of the public debt; and I say on a comparative view of expences of two years, ending Lady-Day, 1781, the increase in the latter was above 550,000*l.* a sum astonishing, if you consider that the whole biennial revenue and estate of the nation, is not 2,000,000*l.* and that the whole additional supply is not 520,000*l.* so that the mere increase of national expence, in the course of fourteen years, has exceeded one-fourth of the nation's estate, and the whole of her additional duties. Let the Right Hon. Gentleman, high in office, who calls these expences, ordinary expences, who calls the supplying them by new loans, the ordinary supply, justify this enormous increase; let him prove that the scale of the expence of government was too small in 1767; let him shew what exertions we have made by sea or land; let him produce some nobler monument than Secretaries provided for by Ireland, or than their creatures satiated by Ireland, or their supporters paid by Ireland, to justify this rapid accumulation. I can produce the record of parliament, to prove that in 1767, you thought your expences too great, for you refused the first proposition for an augmentation in 1767, and gave as a reason that you were then overburthened, and in 1769, you complied with a second application, upon a promise of reduction, which promise was broken; and in 1771, you resolved, that the then expences of government ought greatly to be retrenched, though incomparably less than at present.

I have considered the growth of your expences, I will next consider the growth of your revenues; you made since 1767, two efforts to raise them, one in 1773, when you granted in new taxes about 180,000*l.* and another in the last session, when you granted what was estimated at near 300,000*l.* for the two years, but in our experience has produced something less than 50,000*l.*

The revenues of the two years ending 1781, including loan duties and aided by new taxes, have produced 1,908,000*l.* In the two years, ending 1767, without new taxes, the revenues including the loan, produce 1,846,000*l.* Increase of revenue in the two years ending 1781, 60,000*l.* Increase of expences, 550,000*l.*—a sad disproportion this; the cause of it is obvious—we are governed by a succession of ministers, who have no interest in this country, but that of raising themselves from those beggarly difficulties to which they reduce the King and kingdom. I know not how it is, but at first we are charmed with them; we admire their affected consequence, and easy effrontery. They find in the private indulgence of the gentlemen of the country, public support; the nation becomes implicit, and from a course of bad and profuse policy, is periodically convulsed; we were so in

1779, and from distress, the effect of our bad policy, became *for that time* virtuous. I speak of the session of 1779, with diffidence, because I had some share in its proceedings: I shall therefore only give it negative praise. I will say of the early part of that session, that no man then talked of the public with contempt, nor of liberty as a matter of speculation, nor did gentlemen of property affect to join government in the putting a negative on all constitutional questions. The Secretary at that time left parliament to itself, and the people to themselves; he did not pension a press to write against the liberty of the subject, he did not connect himself with libellers, nor was he himself a traducer of men, he could neither corrupt nor answer, nor did he take into his venal hand a lifeless pen to propagate the poison of his prostitute principles; but such times are over, we are now more aristocratic and abject, and we argue on public subjects as we did before the freedom of our trade, with the same confidence and indifference.

I have stated the growth of your expence and your revenues. I will state the excess of the latter, it is 484,000*l.* in the two last years; how will you supply such a deficiency? Not by borrowing session after session on lotteries and loans, nor by adding to your taxes, for then you must nearly double your additional duties, which are little more than the deficiency. Nor can you wait until the increase of population and manufactures, which certainly will encrease, but will not encrease with a rapidity sufficient to supply the biennial deficiency of 484,000*l.*

It was said in a former debate, that we were adequate to our present expence, and we were taught to believe, that the ability of the nation had, in the last year greatly encreased. I deny the fact: On examining the exports of the manufactures of cotton, woollen, and linen, we shall find the exports of the two former have been next to nothing, and the export of the latter greatly declined: And on examining the import of cotton and woollen, we find the increase prodigious. And on the whole I do say, that the year 1781, was above half a million in these very articles less in your favour, than in the year 1780; so much better was the non-consumption agreement than the free trade hitherto has been. The gentlemen, and particularly one Right Honourable Gentleman, has mis-stated our state of commerce, but he has been much more inaccurate in the state of our revenue; for I remember in the last session, he stated the new taxes as adequate to produce 260,000*l.* in the two years, but in the experiment, they have not produced 50,000*l.* He stated the new tax on sugars at 55,000*l.* a year, which tax has not produced more than 20,000*l.* He stated the tax on wine at double the produce: He stated the old revenues at 100,000*l.* a year more than the produce: He stated a saving under the heads of pensions and of exceedings, and

Also a new revenue by the establishment of a post-office under our own law—this promised saving, and this post-office, would have amounted to 90,000*l.* which is a greater produce than all his taxes; and to shew how apt the most intelligent man is to be deceived in a ministerial situation, when he speaks on the subject of revenue, I will state a very remarkable transaction which relates to the Right Hon. Gentleman in Lord *Buckingham's* administration, in 1777. A motion was made to resolve, that in every session of the present reign, we have added to the public debt; the Right Hon. Gentleman voted for the resolution, and gave this reason, "That Lord *Buckingham's* administration should be contrasted with his predecessors, who had added to the public debt;" inasmuch as under Lord *Buckingham* the practice of accumulating debt was to cease: But in the ensuing March we borrowed 300,000*l.* and in the next session 610,000*l.* I state these things, not to reflect on the Right Hon. Member, but to shew the fallibility on the subjects of trade and revenue.

I have stated your expences as exceeding your income 484,000*l.* and as having encreased in fourteen years above half a million: As to the application of your money, I am ashamed to state it, let the minister defend it—let him defend the scandal of giving pensions directly or indirectly to the first of the nobility, with as little honour to them who receive as to the King who gives. Let him defend the minute corruption, which in small bribes and annuities, leaves honourable gentlemen poor, while it makes them dependent. When you go into the committee, you will find abundance of matter; the biennial charge of barracks, equal to the lodging-money of the army, and you will find the resident army not more than 9000 though stated at some thousands more: You will find waste as well as corruption; you will find the mere expence of furnishing the Castle ridiculously extravagant; but I should be ashamed to enter minutely into these items; let a committee be appointed.

I shall only ask, if this can be called the highest pitch of national prosperity, or whether it is not the direct means of driving the people into the same situation, that in 1779 compelled us to demand a free trade? And though it is granted, yet the manufacturers are in so poor a state, that the nation must support them, not they, the nation: but like the unhappy Roman, who drew nourishment from his own daughter, government wished to draw support from the free trade, that darling child of this nation; but have not prudence to wait till it has grown to maturity. I confess that the seed of a free trade is sown, and rejoice that the Portugal business is happily terminated, but I desire to know, if ministers are acquainted with any chemical progress, that can ripen and bring to maturity the fruits of this trade, without waiting the operation of time? And if not, whether anticipating its

advantages, is not anticipating the provision of their dependents, and waiting afterwards the expectation of happiness, that (has passed away? Is it not like the Jews waiting for the coming of Messiah?

This is the outline of Mr. *Grattan's* statement, which he filled up with all the glowing colours of eloquence, adverting strongly to all the forces of venality and expence, the enormity of the military establishment in its several departments, of barracks, staff, ordnance, &c.—the greatness of the civil, stuffed up with useless sinecures, and infamous pensions, and the prodigal expence in collecting the revenue.

He adverted to the late administration, and the promise of Sir *Richard Heron*, not to add or supply a pension; which promise had been broken. He addressed himself to the present, and especially to Mr. *Foster*, to warn them against expensive measures, and from falsely estimating the abilities of the nation; and he inveighed against every species of expence and venality, of unaccountable waste, and ill-directed profusion. At length he moved, that a committee be appointed to examine the expences of the nation, and to consider of such retrenchments as should seem necessary.

Mr. *Foster* said, if he had imagined that his conduct in a former session would have been so particularly alluded to, he should have come more prepared to answer the charge. Unprepared however as he was, he was able to refute every position the Hon. Gentleman had adduced, and he would endeavour to follow his whole statement.

He observed, Mr. *Grattan* had taken a period of profound peace, and compared it with a period of war. From such a comparison, no inference could be drawn which could be fair or conclusive. He said, that asserting we had borrowed 910,000*l.* in two years, was uncandid, for that sum was to answer the expences of at least four years, and in some measure of six years. That the manner of stating the expences in 1767, and in 1781, had been uncandid, for the whole aggregate charge of including bounties, &c. and loan interest, had been stated as the expence of government; whereas the payment of bounties, &c. (which were granted by parliament) the government could not controul, and the interest of the loans the parliament could not diminish. Now, said he, the bounties in two years, ending Lady-day, 1767, amounted to about 34,000*l.* whereas the bounties in two years, ending Lady-day, 1781, exceed 220,000*l.* again the loan duties in two years, ending Lady-day, 1767, produced about 80,000*l.* whereas the loan duties in two years, ending Lady-day, 1781, produced 200,000*l.* and if we further deduct from our present expences, the salaries of the Vice Treasurers, and Clerk of the Pells, amounting to near 30,000*l.* in two years, which were not on the

establishment in 1767, and for which they gave up their fees in favour of the public, the increase of our expences will not appear very enormous, if we consider how much the nation has risen in consequence, and that we are in a state of war.—He said, there were other errors in Mr. Grattan's account, and that the increase of our expences was by no means alarming or so extraordinary as had been represented. That the expences of government were not greater in the last two years, than in the two years ending Lady-day, 1777, and that they were less than in the two years ending Lady-day, 1779, by a considerable sum.

He said, if Mr. Grattan had been candid, he would have taken two periods of war, but that he had declined; he would therefore state the expences of government in the two years of the last war, ending Lady-day, 1763. The civil and military list, and extraordinary charges, amounted at that period, to 1,679,043*l*. the civil and military list, and extraordinary charges in the last two years, amounted to 1,683,162*l*. The excess in the last two years, is therefore only 4119*l*. A sum which he thought could not justly alarm the nation.—4000*l*. increase in the course of twenty years.

He then adverted to Mr. Grattan's assertions, respecting the taxes he had proposed in 1779. The Hon. Gentleman had said, he had estimated the taxes at 130,000*l*. a year, and they had produced only 50,000*l*. in the two years ending Lady-day, 1781. What kind of argument was this, to say they had produced only 50,000*l*. in two years, when they had been only in operation nine months?

I estimated the taxes I proposed, on an average produce of six years, and in some, my calculation has proved true.

I laid the duties on tobacco, at 29,500*l*. a year, and the tax has answered to the most minute accuracy.

The produce of the hop duties has exceeded my estimate.

I estimated the new stamp duties at 14,000*l*. a year, and they have produced the sum.

When I stated the wine duties, I expressed my apprehensions that they would not be productive to their estimate; but the deficiency has been made up by the increase of the inland excise, which has proportionably risen by the advantageous consumption of home-made spirits. With respect to the sugar duties, if I could have divined that the sugar-bakers would have preferred the old circuitous trade to the direct trade—if I could have divined, that though their refinery had a sufficient protection, they would combine and cease working, in hopes of monopoly—if I could have divined the loss of our West India fleets, the capture of our islands, the danger of navigation from the war, and the increased price of the commodity, I should have calculated otherwise—but my estimate was grounded on an average of former

years, and not on the average of future, which I could not answer for. Respecting the Post-office, I never proposed it as an actual fund—but as an Irish Post-office was then in contemplation, I thought it better that the kingdom should rest in the hopes of such a fund, than lay duties in the place of it which might be unnecessary.

What the Hon. Gentleman has said respecting the balance of trade, would really alarm me, if it were true. [Mr. *Grattan* said, he confined himself to the articles of linen, cotton, and wool.] Mr. *Foster* proceeded. The balance of trade must be taken upon the whole of our trade. We never have had such large exports of beef as of late; those of pork have been incredible. If our linen market was bad last year, the markets of the present year have been uncommonly good, and in the first year of our free trade, we have exported woollen goods to the value of 40,000*l.* I cannot think that, under these circumstances, the balance of our trade has declined.—[Mr. *Grattan* here interrupted Mr. *Foster*, and said, I admit that the nation is rising fast to prosperity, if Ministers do not oppress her.] Mr. *Foster* gave other advantageous views of the situation both of our expences and revenues, and he concluded by saying, that as he had refuted every position Mr. *Grattan* had adduced, as reasons for going into a committee, and as he saw no one of any kind which could induce him to think a committee necessary, he should oppose this motion. Through the whole of his speech, Mr. *Foster* shewed good temper, coolness, and accuracy, justifying his own conduct with firmness and modesty, and asserting the necessity of œconomy, for which he had ever been, and ever should be, the warmest advocate.

Mr. *Mason* went over the same ground that Mr. *Foster* had before traversed, and shewed great knowledge and accuracy in the national accounts.

Mr. *Martin* rose.—He said he had often experienced the indulgence of the House, but had never more occasion to solicit its attention, than at the present time, when, with every disadvantage, he was obliged to speak after the Hon. Mover, who with so great ability supported the resolution. He said that in the last session of parliament, he had frequently urged the necessity of retrenching the national expence. That day after day, he had called, nay, implored the attention of the House to this object; that at first he was told, it was too early in the session; that then it was too near the recess; at last, with infinite pains, he got a day fixed for the purpose, but when he came to the House, though the servants of government were regularly drawn up in their places, to his inexpressible regret, his own friends had deserted the question, and he thought he had made a most advantageous compromise indeed, when the Hon. Gentleman who spoke last,

agreed that he would second the motion whenever it should be brought on.—[*Mr. Mason.* I said I would second any motion for an enquiry into the collection of the revenue, and I am ready to do it.] Indeed the Hon. Gentleman does not seem much obliged to me for letting him off that promise; he has not spoke in support of the Hon. Mover of this question, nor indeed will I say he has spoken against it. As to myself, though I am somewhat jealous, that my own motion should be taken out of my hands by the Hon. Mover, whom I very much respect, yet as I respect the motion more, I shall, in order to prove that respect, vote for the committee.

Sir Henry Cavendish said, that from the whole of what had appeared to the House, he clearly saw that our expences had very considerably encreased, and our borrowings were very much reduced, our revenues were encreased, and our trade extended, and as the nation seemed to proceed fast in this road, there was no necessity for going into the committee. As to the promise made by *Sir Richard Heron*, which had been mentioned by the former speakers, he said the words of that promise were those——“that he would not load the nation with any new pension, except, perhaps, for a Judge worn out in his country's service, or such a one as both sides of the House would approve.”

The Provost—There is a justice due to every man, especially from such an assembly as this. I have heard the words of the Hon. Gentleman, and I believe they are almost literally those of the late Secretary.

Mr. Flood said, the House should remember the words——“perhaps a Judge, &c. or one (*a single one*) such as both sides of the House would approve.”

Mr. Montgomery (of Cavan) said, that by debating on this subject, the necessity of going into a committee was proved, and every word now spoken was an anticipation of what should pass in the committee; he expected the motion would have been unanimously agreed to; that if, upon enquiry, the proceedings of government were found praise-worthy, they might have their merited praise, and that the expences of the nation might there be examined and compared with our means of supply.

Mr. St. George entered into a defence of the barrack expences, in which he said the utmost parsimony had been used, and would wish to have that department particularly examined, as he was convinced it had never been so well regulated as at present. As to what had been said, respecting the expences of furnishing the Castle, he rejoiced in the occasion—we had of late years, our Lord Lieutenants constantly resident amongst us, and it was but proper, that their accommodation should be different from that of their predecessors, whose residence here was but momentary.

Sir *Lucius O'Brien*.—As the public accounts are obscure to many gentlemen in this House, and not understood by the nation in general, I think we should go into the desired committee, in order fully to explain their nature; though every man does not understand the public accounts, yet every man who has occasion to borrow money, feels the difficulty of getting it, and where it was formerly to be had, from four to five per cent. it is not now to be had at all. This is highly injurious to trade, and this is caused by the gambling spirit introduced by financiers amongst our monied people; we have borrowed 240,000*l.* for the nation, by putting 300,000*l.* in a train of gambling. Will any man say, that no retrenchment can be made in the national expences? Yet every man who refuses the committee, declares as much. We were promised by the last minister, that no more pensions should be added to the list, [Mr. Flood, or but one.] let us examine that list, and see if he has kept his promise. I would not wish to lay the faults of his predecessors on the present minister; let us therefore ascertain the point from which he sets out. I am convinced the present minister has the power and inclination to retrench our expences; but would not a vote of this House enable him to resist any importunate suitors? I am sorry to say, that I cannot agree with the Right Hon. Gentleman in his account of our exportations; I believe the quantity very much inferior, both in new and old drapery, to what he has stated. Besides which, our exportation of linens, from the frauds that have been committed, has greatly diminished; nay, many thousand yards are expected to be returned. I am well informed, that the linen manufacture of Great Britain, is now equal to that of Ireland, and as by removing the restraints on our trade, she thinks herself discharged from the compact, in which it was agreed that each nation should have its peculiar manufacture, (Great Britain the woollen, and Ireland the linen) and is now encouraging the manufacture of linens at home, we have every thing to fear from that quarter. Yet, thus situate, we despise the trade of Spain, an object that Russia, and the Emperor eagerly pursue.

Next to our manufactures, the exportation of butter merits attention. Butter, in the course of this year, has fallen 20*s.* per hundred, which upon the average quantity of annual exportation, makes a loss to the nation of 200,000*l.* Thus we are returning fast to that humiliating state in which England found us, when she was obliged to send over 50,000*l.* to pay our army, and for which we were mean enough to thank her. It was the most dangerous precedent ever established in Ireland; for if England may send over 50,000*l.* to pay an army, why not 500,000*l.*? And then what becomes of the argument of the insufficiency of the hereditary revenue, to support an army capable of enslaving Ireland? But will the Minister say, that no retrenchment can be

made? Let him go into the committee, and I will propose retrenchments which no honest man can resist. Have no benefits arisen from *Monf. Necker's* retrenchments in France? There have. —France that formerly run out 500,000*l.* per annum, beyond her revenue, does now lay by 500,000*l.* per annum beyond her establishment, making a difference of one million saved yearly by retrenchment.

Mr. Richard Hely Hutchinson said, that he had long sat silent for the purpose of endeavouring to acquire some little knowledge, but was now forced to rise to obtain information. He had heard it said, and had taken it for granted it was so, that a six months money bill has been of the greatest national utility; and from thence he inferred, that the power over the supplies was the principal resource of this country in its greatest difficulties. But the next day he is told by the same authority, that an hereditary revenue gives the King a commanding influence, and that by this resource, and the power of governing his army, the King may overturn the constitution. Could it be true, that by the additional duties, the Commons have a decisive controul, and that by the hereditary revenue, the King is the master? The language of to-night is, that public œconomy, and the retrenchment of their expences are absolutely necessary for the salvation of the country; but a day or two ago, he was informed, that by œconomy and the hereditary revenue, the King might overturn the constitution. It would be kind, he said, for the great lights of the House, who laid down the principles of the constitution, to adapt their tenets a little more to the understanding of young members; and to speak so intelligibly, that country gentlemen, when they talked to their neighbours on those subjects, should not fall into an error, and tell them that the country was to be saved and undone by the very same measures. —He said he did not intend to go particularly into the public accounts, but would beg to make an observation or two — That as to the hereditary revenue, which had been spoken of, it had been more than exhausted for purposes of our own; for the defence of the kingdom, the encouragement of agriculture and manufactures, and the promotion of commerce. That since the revolution, in a period of nearly one hundred years, and in a session of five months, no part of the revenues of Ireland have been even applied to the personal use of the Sovereign, or to the support of his royal state and dignity. As this was a truth, applying to no other country perhaps upon earth, so no country had ever shewn more reluctance in censuring the royal munificence. That he should deeply regret the use of any argument, which might tend to lay any additional burthens on this country, or to preclude the fullest enquiry into those already imposed. His intention was only to observe, that the disinterested conduct of the crown in respect to Ireland, should

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induce them to consider the King's grants with that liberal spirit, which had never failed to direct their conduct in those enquiries. They certainly ought to guard the golden fruit of Ireland from the domestic invader; they had nothing now to fear from the Herculean hand, which used in less happy times to bear it away to a strange land. Before the revolution our Monarchs were not quite so disinterested, with respect to the revenues of Ireland, as they had been since. Edward the 3d, received 30,000^l. yearly from the small part of this country, at that time subject to his crown. Charles the 1st, certainly received from 40,000 to 50,000^l. a year from Ireland, then of more value, than the whole annual amount of the present civil list, including pensions. And Charles the 2d was known to have drawn great sums from this kingdom.

He begged to mention a word of the civil establishment. One article, he said, was properly a military expence—he meant the charge for the Commissioners of Barracks—other articles referred to the administration of justice, the encouragement of the protestant religion, and the education of the country. If, therefore, those articles, which were properly charges of our own, were deducted from the amount of the civil establishment, and if the exceedings on it, under the heads of concordatum and king's letters, were added to it, and the whole amount then compared, with the sums given for the encouragement of agriculture and manufactures, and for public works, the latter would be found to exceed the former in the yearly sum of 20,000^l. He did not compare, in point of utility, the sums given for national purposes with some parts of the civil list; he only stated it as a fact demonstrating the happiness of our situation, and the wise distribution of our public money, that, for the encouragement of our farmers, our manufacturers, and merchants, a greater part of the public revenue was applied, than to support all the purposes of the civil government of Ireland.

● He adverted to the report from the committee of accounts, and said, it appeared from thence, that in the last two years compared with the two former, there was a decrease in the civil establishment, and a considerable one in the whole public expence, including the army; and that since the year 1778, our establishment was relieved from a heavy burthen, in the article of troops serving abroad. He, therefore, thought there was no necessity at present for the committee which was moved for by the Hon. Gentleman. He thought the situation of both kingdoms forbade our entering into those questions at the present—in the awful moment of calamity, when our enemies triumph, and our sister kingdom is covered with the heaviest affliction—while the invincible spirit of Britain and the British Monarch are struggling to sustain the pressure—while they are sinking under a debt of 198 millions, and proceeding to add 30 million more to their national burden—should we

appear such unconcerned spectators of this accumulating distress, as to find leisure to attend to factions, and to review, a second time within the period of a month, the little items of our domestic œconomy.—He said, the enquiry would not be more unfeeling with respect to Britain, than unreasonable with respect to ourselves. They all remembered the answer of Scipio, when he was accused of some errors in his public accounts—the tribunes of the people were ready to tell him, “This article must be struck out, the other is overcharged; you have rewarded your officers beyond their merits, we will make you answer to every article.” But what was his answer?—“This day you have overcome the Carthaginians—go to your temples, Romans, and return thanks to the Gods for your success.”—May it not be answered to us——you have lately demanded a free trade—you have obtained it—you have vindicated your national rights—you have conquered commercial jealousy—but Britain was generous as well as just—she brought her all into the public stock, she made you co-partners of her colonies.—Go to your temples, representatives of the people of Ireland, return thanks for the benefits which you have obtained for your country, and teach her, by your example, to enjoy and to cultivate those blessings. Do not endeavour to sow discontent in the minds of a gratified people; teach them, in the midst of an expensive and ruinous war, how their expences have lessened, and their prosperity increased. Tell them they are the favoured nation; that they are a *happy*, and ought to be a *contented* people.—He said he should, for these reasons, vote against going into a committee.

Mr. *Brownlow*.—I consider it as our peculiar province, and immediate duty, to superintend and examine the accounts of the expenditure of the public money. This controul of parliament over the money of the nation, is the grand palladium of the constitution; while we exert this controul with integrity, we have nothing to apprehend; but if we neglect our duty, and suffer the public treasure to be idly squandered, we lose our dignity and become contemptible. Every successive administration affords new cause of animadversion on this subject; they all come forward with the *theory* of œconomy in the beginning, but in the end they prove that the *practice* is forgotten. Indeed I must do the present administration the justice to declare, that I never heard the word œconomy from them before this night; but I am sorry to see them oppose the committee which is desired. I should think, when two such men as the Hon. Gentleman who made the motion, and the Right Hon. Gentleman who opposes it, differ in their opinion of the national accounts, it is reason sufficient to go into the committee.

I shall not follow my Honourable Friend through the several departments of our establishments, which he has so ably explain-

ed; but I cannot pass over the article of pensions, which are now become an intolerable burthen, and are almost double what they were in 1757, when this House voted them a national grievance, as exceeding the expence of the civil establishment of that day. I have examined the pension list, and I cannot find that pensions have always been given to persons of extraordinary merit (except when they are given to members of this honourable House.)—A wise nation will observe the faults of its neighbours, and avoid their misfortunes by avoiding their faults. The calamities of England should be a warning to us. In England it is notorious that majorities in parliament are purchased by a misapplication of the public money; and the Minister can carry whatever project he desires, at the public expence. Thus is that great nation reduced to the brink of ruin; but let us not suffer such a practice to be introduced here—the people will not submit to it—they will not submit to be bought and sold like slaves in a public market—they will not bear to be purchased with their own money—they will not be thwarted and opposed in all their desires—to have their parliament become a mockery and a shadow—they know that it is better to have no parliament than a corrupt one.—Let us not, therefore, for our own honour-sake, betray a public trust. Is there a man amongst us that would betray the confidence of a private friend? I am convinced there is not. We are the men in whom the people have confided all that is dear, and shall it be thought less scandalous to betray the public, than to betray a private friend? Is the man who robs a nation of its wealth, who robs a nation of its liberty, less infamous than the wretch who takes a guinea from you in the street? I am ashamed to dwell upon such a topic in an assembly of men of honour, incapable of baseness; but I fear the contagion may be imported, and I wish to provide an antidote. Retrenchment is now become absolutely necessary, else how shall we be able to succour England in the hour of her distress? Nay, how shall we defend ourselves if deprived of the sinews of war. Let us, therefore, set about the work in earnest—let public virtue be our guide, and we shall find nothing difficult—then shall we truly support the dignity of parliament, and act like worthy representatives of the people.

Serjeant *Fitzgerald*.—My Honourable Friend, in supporting his motion, seems to impeach every administration that has had the management of Irish affairs since 1767; a period of near fourteen years, in which this country has obtained almost every benefit she enjoys, and more benefits than in all the years of her existence before that time. In the year 1767, any man who had spoken of the abolition of privy council money bills, would be laughed at—any man who had spoken of an octennial law would be laughed at—any man who had said that none but Irish laws should have force within this realm, would be laughed at—any man who had

mentioned a free trade, would be laughed at—yet all these, and fifty other advantages, we have gained precisely within that period. But surely the Honourable Gentleman cannot be serious now, in desiring a committee to inspect the national accounts, after a committee of the whole House has already given them the fullest investigation; after they have been passed by the House, and every provision for the necessities of the state has been made for two years to come. My Honourable Friend would not have us begin anew the work of the last two months; the proper time to object to any article, was when the accounts were before the House; as no article was then objected to, I take it for granted, there was no article wrong.

Sir *Hercules Langrishe*.—The Honourable Gentleman who made the motion, has deduced it as a fact, from his own statement, that retrenchment is necessary; and therefore he moves a committee to retrench: The committee are to have no power to enquire into the necessity of retrenchment, but only how the retrenchment can be made. Now, with every possible respect to the ability of the Honourable Gentleman, I conceive that this is a very new method of doing business. Every man feels, and must confess, that the expences of the state must bear proportion to the necessities of the state; and this is the first time, in twenty years that I have had the honour of sitting in parliament, that ever I knew the House interpose its authority upon a declining evil. It has been proved to the House, in a manner that the Hon. Gentleman cannot controvert, that the public expences have fallen 25,000*l.* in the two last years. Thus the moderation of government has rendered the interference of parliament unnecessary, and the Hon. Gentleman offers animadversion where he should bestow approbation; for if retrenchment is meritorious at any time, it is tenfold meritorious in such a time of war and commotion as the present. We have frequently heard our expences compared to those of England; but they have neither comparison or proportion. The debt of England is a precipice that makes the head dizzy to look down; it is equal to the one-fourth part of the fee simple of the island, at twenty years purchase; that of Ireland is not equal to one-fiftieth. I do not say this, that we should follow England in her expences, but that we should not think we suffer evil, when, in truth, we are the only people exempt from it. It has ever been allowed, that the increase of exports is a criterion of increasing riches—the exports of Ireland were never so great as at present, and they are daily increasing. If then we express discontent, will it not lay us open to censure? Will it not be said, that we raise our complaints in proportion as we diminish our grants to the public cause? I therefore cannot decide that retrenchment should be made, and then direct a committee to carry that decision into execution, as I see that government has retrenched, and is every day retrenching.

Mr. *Ogle*.—I own though I have attended to all that has been said, that I am not able to determine who is in the right; but this, in my opinion, is a strong reason why we should go into the enquiry—as nothing has been alledged against the present ministry, they have no cause to fear its consequence.—It appears to me that the public exigencies demand the reduction of all salaries; that useless places should be abolished, that the springs of corruption should be dried up, and every channel of public benefit opened and cleansed. It is no comfort to us that the parliament of England is more extravagant than we; England has a constitution which we want, and I look upon the loss of freedom as not in any degree to be repaired by any other acquirement. It is a loss infinitely beyond all other losses, and England has lost less of commerce in losing the American Colonies, than she would of constitution, if she had reduced them to subjection. A mistaken opinion has been received, that great salaries should always be annexed to high offices; but I am of a different way of thinking; for I am confident that men of exalted sentiments and refined notions of honour, would think themselves sufficiently rewarded by the *trust*, while groveling and avaricious spirits seek only the *emolument*. Such men as I have last described, unfortunately for England, have found means to creep into her offices; they have ruined that country, and now sculk behind the base subterfuge of denying the mischief they have done.

Colonel *Cunningham* said, he was sorry to see gentlemen run so far away from the question, without producing any argument to support their motion; he hoped the gentlemen of this country had given too many proofs that the gross terms, corruption and venality could not apply to them; they could not apply to the men who saved their country, and brought her forward in the road of prosperity; therefore when gentlemen make use of these expressions, they only tend to lessen their own consequence. He said, that as it appeared that the end of the resolution was answered by the œconomy of government, there could not now be any necessity for a committee; and therefore he voted against it.

Captain *Wilson* said, that he would readily concur in any mode of retrenchment that could be proposed, because he knew it to be the wishes of those he represented, that the national expences should be restrained. But that as the committee of supply was now closed, and the grants made for two years, he was of opinion the resolution would be too late to have the designed effect, and therefore might be objected to by the House. For which reason he would prefer the committee of accounts, which had been thrown out by a Right Hon. Gentleman, (Mr. *Foster*) to a division on the resolution which was proposed.

Captain *Burgh* said, that as the Hon. Gentlemen who introduced the motion had been perfectly confuted in all the essential

matters by the Right Hon. Gentleman who first replied to him, that he considered the argument for a committee done away, and he was very happy to find that the greatest grievance that the Hon. Gentleman really laboured under was a dearth of grievances.

There is one tax, he said, that was admitted to fall short of estimate; that was the tax on French wines, and he was glad of it, for to consider that tax in its true light it stands thus:

Irishmen have bought less wines from their enemies than they have done heretofore; that tax arises from import duty, and is to our Exchequer as one pound when it is three to the French nation; and he would further add, that for every pound withheld from the Exchequer, four pounds are retained in the pocket of the subject. Upon the whole, the failure of this tax is a national advantage.

It is said that the establishment of the army is an object of consideration for the committee. Gentlemen differ among themselves about it; some say it is too big, others too little, and advert to the old Belfast letter of 1778, to prove the army is very small; but they do not consider that the establishment is much changed since then; but on that day and ever since, the chief of our force has been quartered in the South of Ireland, because there you are most vulnerable; the North has numberless people and few harbours, the South numberless harbours and few people.

He concluded by saying that the Hon. Gentleman is pleased to talk much about corruption; he hoped if corruption reached that gentleman, it would not have the dismal effect of silencing a great orator—that indeed would be a real misfortune to this House.

Mr. *Forbes* went at large into the accounts; he reprobated the expences of contingencies, extraordinary, and exceedings. He condemned the list of pensions, and the extravagant charges of collecting the revenue, which he said was near 17 per cent. He said that even when the Lord Lieutenant told the people he could not defend them, and bid them defend themselves; when he told the Northern countries he could not supply them with a troop of horse and a company of invalids; even then we were paying for near 14,000 men; even then when the viceroy threw the crown among the people and bid them support it; the armed body of the people did support it, and by an illustrious example put to silence the cavaliers of Europe. Let us then (he said) put away this common-place talk of gratitude due for protection given; if any gratitude be due it is to us, who are the protectors; or if gentlemen have done us any casual good service, will they determine to counteract its effects? But there is one reason, that should decide our going into the committee immediately, and this is, that a system is adopted by the powers now at war with England, and to which most other powers have acceded, to libe

rate the commerce of mankind, and to make the seas as free as nature made them: This they have determined shall be made the condition of a general pacification, and that all port duties shall be utterly abolished; as therefore all our duties must be then raised upon the internal excise, it behoves us now to consider whether it can bear them, and if not, to make a proportionable retrenchment; this is also a good reason for going into the committee. I find that the words corruption and venality give great offence—but how can they be avoided, when, as I am well informed, some gentlemen are so unreasonable that they will not be content with reversions, but must have something in hand; and those are gentlemen who never had even a pane of glass broke in the service of government.

Sir Michael Cromie.—When I came into the House this day, Sir, I did not intend to trouble you with a single word; but some gentlemen having stated that not one advantage was obtained by my Lord *Buckingham* for this country, I do confess affected me so deeply, that I could not remain silent. I am unacquainted with the language of panegyric, and if even I were capable of it, my feelings would shrink from its insincerity: I will therefore only ask those gentlemen in plain terms, if they think that a complete Free Trade was no advantage to this country? I will ask them if the Popery-bill was no advantage? If that bill for the relief of the Protestant Dissenters from the influence of the Test Act was no advantage? If the Tenantry-bill was no advantage? These being facts which no man can deny, I ask pardon of the House for this interruption to the debate, whilst I only offered a just tribute to such public merit.

Mr. Eden said that he would with pleasure see an enquiry into the state of the public expences, as he trusted it would shew that in his official duties he was using his best industry and exertions to promote an efficient collection of the revenue, and to prevent every improper expenditure; and he thought it justice to add, that in pursuing these objects he had been ably and honestly assisted as well by the commissioners of the revenue, as by the several other departments and individuals employed in public business; but though he felt an impatience to bring these matters before the public, he would not allow it to induce him to admit a proposition resting upon assertions of public poverty, which was not felt—upon abuses which did not exist—and upon charges employed against the late administration, which deserved and possessed the grateful regards of the kingdom. With respect to the biennial accounts of 1767, which had been compared with the biennial accounts of 1781, in order to shew an exceeding in the latter to the amount of 520,000*l.* he said that when proper deductions were made for the parliamentary bounties, the loan duties, the Vice Treasurers salaries, and the absentee tax, the exceeding was less

than 100,000*l.* which was matter of fact, not of calculation : And it should be also recollected, that the latter being a period of war, must necessarily be attended with various expences, from which the former period was exempt.

With regard to the Portugal business, which had been incidentally mentioned as decided, Mr. *Eden* said, that it was not yet brought to a conclusion, but had every appearance of ending in the most satisfactory manner.

At twelve o'clock the House divided.

Ayes,	—	—	65
Noes,	—	—	143

Mr. *Yelverton* said he had on a former day declared his intention of offering a modification of Poyning's-law ; an adjournment had intervened, and he supposed, on that account, as he had not since named a day, that his Right Hon. Friend had imagined he had deserted the motion ; he was led to think this from his (Mr. *Flood*) intending to bring on a motion relative to that matter on Tuesday next ; but as he had not deserted his first intention, he requested to know on what point his Right Hon. Friend intended to move.

Mr. *Flood* explained on what ground he intended to go.

Mr. *Yelverton* and he seemed to differ as to the mode, but Mr. *Yelverton* said he was glad his Right Hon. Friend was to precede him, as he intended to bring on the business himself next Thursday.

SATURDAY, DECEMBER 8.

Three Money-bills received a second reading, and were committed for Tuesday.

The House adjourned 'till Tuesday.

TUESDAY, DECEMBER 11.

Mr. *Flood* said, that it was highly unconstitutional for any of the three estates——King, Lords, or Commons, to intrench upon the privileges of either of the other——that each had its separate and distinct province.——The *deliberative* authority of the state resting with the Houses of LORDS and COMMONS, the *executive* with the KING. That the constitution had invested the two Houses with the deliberate authority of propounding and framing laws, by which the people were to be governed, because they themselves were the people's representatives, and had given

the king only a negative on the laws when proposed, because he was the executive officer, and had no occasion for any right of interference in the business of legislation; but just so much as was necessary to defend his own prerogative from the incroachments of other estates, which he was sufficiently enabled to do from a power of negating any law which he thought might be injurious to that prerogative. But this, which was the beauty and the strength of the British constitution, and to which the people of Ireland were fully entitled, as participating in that constitution, had been wrested from them, not by the act of the 10th of Henry VII. commonly called Poyning's-law, nor by the Explanatory-act of Philip and Mary, but by the corrupt and vicious construction and interpretation given to those acts by the twelve judges of England, but more especially by the decision of the nine judges of Ireland; whose names that decision had consigned to everlasting infamy. Yet, corrupt and venal as this decision was, there were two subsequent authorities generally urged in support of this false construction of the law, that go further than even the judges ventured to go. (And here let me observe that the reigns antecedent to the coming in of the family of Stewart have produced the worst precedents for the English, and the reigns since the worst for the Irish constitution.) The first warp and perversion was given in the reign of James I. who came from the throne of Scotland to that of England and Ireland, filled with Scottish prejudices, and entertaining every exalted notion, indeed, of royal prerogative.—In very early times the Scottish parliaments enjoyed the full power of enacting all laws; the king could only put them in execution, but had not even a negative on their passing. This was much less power than a king ought to have; and in time the Scottish kings contrived to acquire more, for at the period that parliament enjoyed this plenitude of power, attendance on public business was thought a very great hardship. There are many instances of boroughs, &c. praying to be eased of the burden of sending representatives. This reluctance and disinclination to attend, gave rise to an alteration in the constitution; for in order as much as possible to ease the members of parliament, that their term of attendance might be shortened, and that they might only have to decide upon such laws as were to be passed, a committee was selected under the name of LORDS OF ARTICLES. The office of this committee, was to prepare all the laws which the parliament was to pass; consequently it became an object of great importance to the Scottish kings to have the selecting of the persons who were to sit in this committee; and this object they found means to attain. Then begun that favourite doctrine, “that the parliament could not take any matter into consideration ’till it had been propounded on the part of the crown;” and though, in the worst times, it was never

fully obeyed, so as to make the king absolute master of the parliament, yet the power acquired by the king in nominating the lords of articles, put *the parliament* down as much below its natural dignity, as *the king* had formerly been. King James attempted to introduce this practice into Ireland, and with but too much success; for, when some opposition was made to it in parliament, he sent over for a committee of the members, whom he ordered to attend him in England, and having lectured them upon the sublime authority of kings, and the mysterious art of legislation; and having informed them that it was a subject above the capacity of parliament, those gentlemen came home much better courtiers than they went, and consented to a resolution soon after proposed, “*that parliament were but humble remembrancers to his Majesty.*” Another attempt was made to divest parliament of their authority; which, indeed, has no weight as a precedent, being under the infamous administration of Lord *Strafford*: The Lords of Ireland he had reduced so low, as to make their own journals the record of their shame; and the Commons (whom at his first coming he had called together, and from whom he had demanded a supply) pleading the poverty and inability of the nation, he told them that he stood there in the person of the king, not to supplicate but demand his right; and if it was refused, he would think himself bound to use the army to enforce it.——Mr. *Flood* then went back to an early period of the English history, and proved the manner of originating laws in parliament, on which the king had only a negative, and this even during the most despotic reigns, ’till the pernicious principles brought in by the Stewarts were attempted to be enforced against the peoples’ rights; and the unfortunate Charles fell a victim to his own ambition, as did Lord *Strafford* to the corrupt and tyrannic disposition which influenced his conduct in Ireland.

He then returned to the Law of *Poynings*’ itself, part of which he read, to shew that it was never intended by it to take away the right of the parliament, but merely to prevent the governors of Ireland from giving the royal assent to laws that might be injurious to the king. That during the civil wars of York and Lancaster, this had frequently happened: That the adherents of the York family were numerous in Ireland, having been planted here chiefly in the reign of Henry VI. who sent the Duke of *York*, with great power and great revenue, to govern this kingdom for no less than ten years; during which time, and afterwards, it became an asylum to the partizans of that house. That Lord *Germanstown*, who preceded *Poynings*, had given great cause for suspicion; nay, it was even thought that when *Symnel* was crowned in Dublin, if there had been a parliament sitting, that parliament would have acknowledged him as rightful King. That voyages between England and Ireland, in those days were much less frequent, than

between Europe and America at present; consequently many things happened here that were not known 'till long after in England, for which reason Henry VII. who derived his right from the house of Lancaster, when he chose that trusty servant *Poynings*, to be his deputy here, though he had the utmost reliance on his fidelity, yet would not entrust even him with the power of giving the royal assent to laws 'till they had been notified to the King himself in England, under the sanction of the great seal of Ireland; but that this was considered only as a restraint on the governor, not on the parliament, of Ireland; which, by many authentic records, he proved had been the constant practice of originating such bills as they thought proper, and sending them ENGROSSED ON PARCHMENT, sometimes through the Viceroy, sometimes by special messengers of their own, to receive the royal assent.

He also produced the evidence of the parliamentary roll, in the reign of Elizabeth, to confirm this opinion, and to shew the sentiments the parliament then entertained of the law of *Poynings*, by the reluctance with which they consented to a temporary suspension of its effects in favour of Lord *Sydney*, and the great compliment they paid that nobleman in the words of that consent. From this he inferred, that parliament had considered this as a popular law, guarding the nation against evil governors, but in no wise restraining the power of either house of parliament.—He said that a very unjust stigma had, therefore, been affixed to the name of *Poynings*, who was an able and upright governor, and from whose administration this kingdom had derived the greatest advantages, and whose laws were intended for its defence, 'till perverted by the corrupt opinions of the Judges: But he thought it no wonder that people should receive an ill impression of the law of *Poynings*, as the very text of that law had been falsified by those who had the charge of its publication—for instead of saying that the imperial crown of Ireland was inseparably annexed and APPENDENT to the imperial crown of England—they had used the words—DEPENDENT ON—the most invidious perversion that could possibly be introduced.—He said that Lord *Bacon*, who wrote the history of the reign of Henry VII. and who particularly mentions *Poynings*, would not have let so great a matter as a total inversion of our constitution pass by the accuracy of his penetrating genius: He mentions the law of *Poynings* indeed, but not this law. Speaking of *Poynings*, he says, “But in parliament he did endeavour to make amends for the meagreness of his service in the war, for there was made that memorable act called *Poyning's-Act*—(not the act we are debating on)—but that “whereby all the statutes of England were made to be of force in Ireland; for before, (says Lord *Bacon*) they were not.” NEITHER ARE ANY NOW, THAT WERE MADE IN ENGLAND SINCE.

But, continued Mr. *Flood*, it is astonishing that the law of Poynings should ever have received such a false and vicious interpretation as it now bears. Do we understand its meaning, at the distance of almost three hundred years, better than the people in whose days it was passed, or they who succeeded for an hundred years after? By them it was considered as a boon and a favour; but its operation now, destroys the constitution of Ireland—that constitution which, growing on the same stem with the constitution of Britain, it was formed to protect.—But the law he said, was not in fault, it was only the vile interpreter was to blame—an interpreter placed between the king and people, a monster unknown to the constitution—whose office was to stifle the voice of the people, and to prevent the king from hearing—to render the people dumb and the king deaf.—He would, therefore, in order to restore the constitution to its native vigour, and to obviate the evil effects of misinterpretation, move two resolutions; the first of which he now proposed.

First resolution was, “That a committee be appointed to examine the *precedents and records this day produced*, and such others as may be necessary to explain the Law of Poynings.”—If this was granted, he said, he would follow it with another—“To declare from the report of that committee, what the Law of Poynings and what the constitution of this country actually were.”—

The *Provost* said he had no doubt of any of the authorities which the Right Hon. Gentleman had quoted; many of which, from his own professional knowledge, he knew to be well founded; and even if he had not been acquainted with them, he would give credit to the researches of the Right Hon. Gentleman, who, with such great labour and industry, had produced them to the House. But it had hurt his feelings extremely to hear the constitution of Ireland described as in the latter part of the Right Hon. Gentleman’s speech; and the (if he might be allowed to express himself) Right Hon. Gentleman had long been a rival of King Philip, though he had long wooed and at length won Queen Mary, and had decked the constitution, as formed in her reign, with all the jewels of his eloquence—yet he thought he (the *Provost*) did not place the constitution in an unfavourable light, when, in the words of Milton, he said,

“*In her own shape how lovely.*”

The glow of her natural beauties were enough, without any ornament.

He agreed with Mr. *Flood*, that the law of Poynings had not in any wise taken away the right of either House to originate laws. If a doubt of this could have been raised, it must instantly be done away by the writ for calling a parliament; which, in both England and Ireland, is in substance the same: The words are—“*To return Members, &c. &c. with sufficient power to do and consent to what shall be propounded in that parliament.*”—

But no law or act could take from parliament the right of propounding or deliberating on bills. It is a right so inherent in the nature, so blended in the very essence of parliament, that no power on earth could ever destroy it; and therefore parliament has always remained in the practice of it; nay, it was most fully acknowledged by the crown, as the speech at the beginning of almost every session recommended the consideration of some acts to be passed, and which when thought good by parliament, always originated with them.

He then adverted to the law of Poynings' itself, in which he could see no trace of such an intention. He said that law was passed merely for the security of the king and people, against the mal-practices of a chief governor; that the principal object at which it aimed, was, that all laws intended to be passed in Ireland should be certified under the great seal of that kingdom—a proper mark of authenticity, that they really came from the Irish parliament—and that they should be returned by the king, under his great seal, as a warrant authorising the governor to give the royal assent to them; that at the time this regulation was instituted, it was absolutely necessary, from the feuds and commotions which then reigned. *Symnel* had lately been crowned in Dublin, and *Perkin Warbeck* had been received in Scotland, as lawful king of England.

He agreed that laws had been brought into both houses of parliament under different names at different times; sometimes they were called petitions; sometimes bills; sometimes heads of bills; but this he thought did not alter their meaning or effect.

He then with wonderful display of erudition, proceeded to quote many precedents and authorities, to shew that this restraint on the chief governor was constantly enforced. In the Red Book of the House of Kildare, now in the possession of his Grace the Duke of *Leinster*, there was a specific prohibition to a chief governor, who was of that family, and appointed by *Henry* the eighth—"That you shall not pass any laws but those now transmitted."—I have now, continued he, mentioned those particulars, in which I agree with the Right Hon. Gentleman; and shall next proceed to some matters in which we do not agree. The Right Hon. Gentleman, though, with me he allows, that both houses of parliament can originate bills, yet I must differ from him, when he says that the Privy Council cannot stop such bills in progress. Lord *Coke* gives a noble comment on the oath of a Privy Counsellor, by which he is bound truly to advise the king in all things relative to his reign, his prerogative, and the well being of the state; therefore, if his Majesty's Privy Council, was to see any thing approach the throne, which was injurious or hurtful to the kingdom, or prejudicial to the royal prerogative, it is their

duty to stop it—there must be a discretion. Suppose the case of *Symnel*, and that parliament had been then sitting, would they not, if such a law as that of Poynings' did not stand in their way, make an act against the royal rights? Former parliaments had done very strange things, nay, some of later date could not stand justified; the cruelty exercised against *O'Shaghnessy*, was fresh in every one's memory.—But has not the House a power to call for the copy of the transmits, to know whether their bills are gone forward? Has it not practised this power? Has it not, as in 1766, addressed the throne to have the bills returned? And where, for many years back, has the Privy Council exercised their privilege, to the injury or offence of the nation. Look into your statute book and declare, is any nation on earth blessed with such laws? Has the Octennial Bill been stopped in the Privy Council? or the Habeas Corpus Bill? or the Judges Bill? or indeed any bill contrived for the prosperity of the nation? Perhaps the spirit of the Privy Council is improved, for almost all the gentlemen that in my memory have most forcibly inveighed against its errors, are now become members of it; and having carried their principles of liberty thither, act with that noble and becoming freedom so agreeable to the sentiments of their country.—Whenever I hear a gentleman very warm on the subject of the Privy Council, I generally think within myself, at what time shall I have the honour of taking that gentleman by the hand, and welcoming him at that board?—I have generally proportioned the time by his warmth, and indeed have seldom been mistaken in my guess.

But the Right Hon. Gentleman intends, upon the report of the committee, to form a declaration of rights; that is independent; that in my opinion, never should be used but in cases of the utmost necessity; upon such an occasion was Magna Charta, that great declaration of the nation's rights, obtained; upon such an occasion was the petition of rights, and upon none but the most pressing occasions, should any declaration of rights be made. Now I have, with the most profound attention, heard every syllable of the Right Hon. Gentleman's very learned and eloquent oration, and I every minute expected to hear some abuse which the Privy Council had made of their power, but I am happy they are charged with none; if then no abuse exists, no necessity exists for making a declaration of rights; nor is it possible, without the utmost prejudice, to complain of this law, which is a shield to the King and people against the Viceroy. I shall therefore say with *Pope*,

*For modes of Government let Fools contest,
That which is best administered, is best.*

I consider that we are united to England by three bands; the law of Poynings' as explained by the statute of Philip and Mary,

unites the constitutions of both realms. The statute of Henry the eighth, unites the regal crowns of both realms; and the practice of appeals, unites the jurisprudence of both realms. If then these be the bands that unite us, we cannot, without exciting some jealousy in the English people, take up this question; but if we would improve our liberty, every good Briton will think himself bound to assist us.—I see many other reasons against this resolution, and no good one in support of it; I shall therefore vote against it.

Sir *Michael Cromie* said, to follow the Right Hon. Gentleman through his wonderful assemblage of researches, information and ability, would require something little short of divine inspiration itself; and so much has already been said and written upon this subject, that to attempt to advance a new argument now, would be a task of infinite labour to him, and very little entertainment to the house. In truth, a great deal of the dress of the subject is long since worn thread bare, and the rest is quite out of fashion; he would therefore confine himself to a few striking features, plain and contracted as possible.

The King of England is equally King of Ireland; we all agree, the powers and the duties of the crown, in respect to both are similar; but as this kingdom is deprived of the personal presence of her Sovereign, the virtual presence must be delegated; the Viceroy and the Privy Council, constitute that virtual presence here. Now, Sirs, with respect to the powers vested in them by this celebrated law of Poynings': The power of proposing a bill, I must consider as a mere embryo, because that it cannot give existence to any law whatever: The power of rejecting a bill seems now to demand our particular attention. Whether we modify, or repeal the law of Poynings', our pride must still suffer, if not by the intervention of our own council, by that of a stranger at least; so that it is evident that our pride, not our reason, complains. But let us for a moment suppose, that the constitutional cognizance of a bill was removed from the Privy Council; how should we then stand? The bill must go up immediately from the Commons to the Lords. The Privy Council of Ireland, Sirs, is in the general, composed of gentlemen of the first landed property, the greatest integrity, and the highest ability in the kingdom; they are also solemnly sworn, to advise for the universal good; so that we have a triple tie upon their conduct, their own interest—their knowledge of our wants—and their oath of office. At that board, no Right Honourable Gentleman can be heard from on far—no Right Honourable Gentleman can give an *ante manum* protest, to an unheard of debate. It is the greatest misfortune of this country, that too many of her Lords live entirely in England. Far be it from me to throw out the smallest insinuation against any noble Lord, his principles, his function, or his

wants; but sure I am, if there be such a thing in nature as ministerial influence, the Privy Council of Ireland is not the safest body to operate upon. So that if you repeal the law of Poyning's, the people will lose, and the ministry will gain; for by this pruning of the constitution, you will cut off one strong branch from the political stem, and in doing this, we should take care, we do not endanger the root of a constitution which no sacrifice can be too great to preserve, and which no consideration could compensate for when lost; to conciliate, not to coerce, is the truest policy of a younger sister. Let us not then dwell too abstractedly upon those obsolete questions, which can only tend to betray the people into an extraordinary renunciation of gratitude, in a forgetfulness of real good in imaginary evil. It is much easier to inflame the people against the Crown, than to sooth them into compliance. Credulity ever was the sin of the people, and they were ever the proselytes of the discontented. But this parliament of all others that ever sat within these walls, have the least right to be discontented with the Privy Council without suspicion. Did the Privy Council ever withhold any bill calculated to promote the trade, the manufacture, or agriculture of Ireland? Did the Privy Council ever withhold the great Octennial Bill, or that bill for the relief of our Popish brethren? Did it withhold that bill which rescues the Protestant Dissenters from the influence of the Test Act? Did the Privy Council withhold the bill which secures the property to the freeholders of this kingdom? If no one proof can be found, where the Privy Council have been injurious to the public in any single instance, why should eloquence propagate these melancholy doctrines? Why solicit a change? Is this the noble fire of patriotic zeal for the public welfare, or is it not the rapid torrent of unnecessary complaint—a complaint already refuted by time, that sovereign test of all things?

But, thank God, the scene of the tragedy is changed, and I am extremely concerned, to find that the new act opens with so little eclat to some of the principal performers, whose splendid talents would now be so much better employed to exhort the people to industry, to animate them with the hopes of a golden age, not to terrify them into sloth, with the fears of an iron one, at a time when the poorest farmer in the country, the lowest mechanic in the streets, is become a politician, a resolver of constitutional rights, a casuist and a lawyer, to the utter ruin of their separate callings, and the great injury of the state in general. But I trust, Sir, that period is at last arrived, when every thinking man, every real friend to Ireland, whether in or out of this House, will carefully draw the line between the teasing enterprizes of an expiring party, and the glorious efforts of a loyal nation. And though I have heard some of the most respectable characters in

this House traduced, and called by the names of ministerial tools, and court hirelings, yet I trust that the Right Hon. Gentleman can sometimes make allowance for the disparity of thinking, and that he will not set down every man as criminal, who adopts notions different from his. For my part, Sir, though I differ with the Right Hon. Gentleman at present, yet I am willing to ascribe all his wonderful display of abilities to the best intentions for the public good. I cannot ascribe them to any private impulse whatsoever.—Having said thus much, I hope there is no gentleman who hears me, will, for that reason, suppose me to be an absolute ministerial man; for however inconsiderable I may be in myself, it is my happiness to be connected with a Right Hon. Gentleman of native weight, of the first landed property in this kingdom, and of the purest patriotic principles; whom no ties of blood in a former administration, however close, no affinity, however near, could tempt, even upon the most trying questions, in a brother's government, to swerve for a single moment from his country's cause; and how much this country is obliged to the firmness of his zeal, when, at a very early period in the last sessions, he stood forth the very first man in this House, and did exert his honest abilities, to secure the freedom of trade, by procuring the most honourable and unanimous sanction of parliament for the volunteers of Ireland, at a time when the most sanguine amongst us, was doubtful what line of conduct he might with the greatest safety pursue, and at a time when those glorious volunteers were much less acceptable to government, than their noble proceedings have since rendered them. All this I submit to the candid recollection of every thinking man in this House, and in the kingdom. When I am proud to boast myself attached to that gentleman, by every tie that the most expanded friendship could form, from my earliest youth to this hour, I trust that I shall be ever considered as a steadfast friend to this country; as a man who would glory to sacrifice his life and fortune in its defence, or for its advantage; as a man who, with my Right Hon. and most beloved Friend, will always examine the conduct of every administration with the strictest caution; and will give them my best support when I think them right, but will oppose them with firmness and resolution whenever I find them wrong; being persuaded, Sir, that the indiscriminate violence of opposition, is the parade, not the essence of patriotism. With those sentiments, I should think myself an enemy to my country, if I did not give my direct negative to the motion now before you.

Mr. Mason.—I was formerly as strongly of opinion as the Right Hon. Mover of the resolution, that the Privy Council should be divested of the power, which, under the law of Poynings', they possess; but twenty-four years experience has changed that opinion, and I now think it very safely lodged in their hands. In

the year 1757, you, Sir, (meaning the Speaker) introduced a bill to controul their authority, and since that spirited attempt, their conduct has been so regulated as to preclude the necessity of another; the exertion has so corrected whatever was wrong in their conduct, that since that period there has not been any cause of complaint against them, for they have transmitted every bill that could in any degree tend to the nation's benefit. But suppose an act passed, compelling the Privy Council to transmit indiscriminately, all bills that might be offered from either House, what would be the advantage? This act could not deprive them of their right of counselling, and advising the King; and they would necessarily accompany any bill they deemed derogatory in the crown, or injurious to the people, with a letter advising it *not to be passed*. Thus would you reduce the crown to the alternative of disregarding either the advice of its Privy Counsellors, or of parliament, and totally remove that necessary maxim of our constitution, that the *King can do no wrong*;—for what maxim, instituted to preserve the respect which should ever attend majesty, supposes the crown to act by advice; but by removing the authority of the crown's advisers, you throw the odium of every negative or refusal to pass any law desired by parliament upon the crown itself; the only guard that would then remain to the crown would be the English Privy Council. I am sure, the Right Hon. Gentleman would not prefer that to the Irish one. I have often heard people complain of the injury of appeals to the English courts, but an appeal from an Irish to an English Privy Council, would be infinitely worse than that; for those reasons, and as I think the Irish Privy Council exercise their authority with wisdom and moderation, I am against the motion.

The *Recorder* said, that he was sorry the Right Hon. Gentleman who spoke last, had altered the sentiments that influenced his juvenile days, and that the people had lost so powerful an advocate; the reasons he had for altering his opinion were best known to himself, but he had not urged any that to him seemed sufficient; for his own part, having as a lawyer been used to consider statutes, possibly in a narrow view, he had considered the power of the Privy Council as a grievance, and a grievance supported by the law of the land. He then took a view of Poynings' law, and the exemplary statute, and by a most pointed, learned, and constitutional argument, endeavoured to prove that the law of Poynings' did not accord with the ancient constitution of Ireland. Nor is it, Sir, said he, any reason for its continuance, that the wisdom and honour of the present administration do not let us feel this grievance, for indeed, I can never think well of a court, whose proceedings are in secret, and confined within a private chamber.

Sir *Frederick Flood*.—Considering the nature and reasonableness of what is desired; considering the late declaration of a gentleman great in character and in property, and (I presume) high in confidence, *that the rights of the parliament of Ireland will be speedily acknowledged*; considering that we are happy in a Lord Lieutenant, whose high rank, character and abilities, give us the most flattering hopes; and considering the very distinguished character of his Secretary, now the confidential minister, I did hope that this House would be unanimous upon the present occasion. All we ask for, is the establishment of our rights, and the privileges of British subjects.

Sir, I rise with all the prejudices and feelings of an Englishman in blood, to deliver my sentiments upon the subjects now before you.—All that is desired is, to have the ancient chartered rights of parliament acknowledged, and that the laws of the land should not be any longer misconstrued by a vicious practice, not warranted by the words of those laws, not within the spirit or meaning of the legislature who passed them. Every man who hears me, must acknowledge, that before the 10th of Henry the seventh, and the 3d and 4th of Philip and Mary, our parliamentary constitution, and the mode of passing bills and making laws, was the same as it is in England at this day. Every man will acknowledge, that the ancient parliamentary constitution of Ireland knows no persons, but the *King, Lords, and the delegates of the people*. Nay, indeed, Lord Coke did not reckon the King, as one of the estates, as he is not a *deliberative* party, and has only a *negative*. Every man will acknowledge, that the Privy Council are a body of men not even known to our ancient constitution; in whom the constitution placed no confidence, and yet they assume a power, under misconstrued acts of parliament, of throwing themselves between the parliament of Ireland and their sovereign.—They delay, they stop, and stifle; they mutilate, castrate and misrepresent the acts of both Houses.—Among a thousand other instances, there is the Habeas Corpus bill, and the Judges Bill, those glories of the British constitution, those bulwarks of English liberty.—All we desire, is to be suffered to lay our petitions before the *royal breast in our own words*, and to remove that pale and barrier which obstructs the free communication between his Majesty and his subjects of Ireland,—as it must be admitted on all hands, that before the 10th of Henry the seventh, and the 3d and 4th of Philip and Mary, we enjoyed the English constitution here.—The next consideration is, what alterations were made in our ancient chartered British parliamentary constitution, by the statutes of the 10th of Henry the seventh, and the explanatory act of 3d and 4th of Philip and Mary. And here (before I discuss those statutes, which the honourable member did fully) allow me to state some general rules that no lawyer can controvert.

A general law, or ancient common law right, cannot be altered or taken away by *implication*; nothing but *express words* can do it. Nothing, I say, but express words in an act of parliament shall take away your ancient chartered rights. Even in the case of a will of an estate; the intention of a testator shall never be construed to take away the common law rights of the heir at law; nothing but express words shall do it. If so in the case of an individual, why (*a fortiori*) not so in the case of your constitution and ancient parliamentary rights? It is a general rule of law, that when an estate is to be raised by implication, it must be both necessary and inevitable implication, *such as can have no other construction*. As to usage, he said, that where usage or practice is against the meaning of an act of parliament, by a common misapprehension of the words, such sort of usage is rather *an oppression than an exposition of the statute*. A statute which alters the common law, or a common law right, shall never be strained beyond the bounds of the statute. Acquiescence cannot make that right which is in itself wrong. *Malus usus abolendus est*; especially when the practice militates against the very principles of the English and Irish constitution, and against the ancient and acknowledged rights of parliament. The people of Ireland regard the constitution of parliament with much reverence. *It is their ambition to be no worse than British subjects*; and it would be their glory to support the crown and people of Great Britain in all their inherent rights.

As I consider the interests and prosperity of both countries as inseparably connected, so I consider their glory and privileges to be united. The terms upon which she should become united to the crown of Great Britain are a complete participation of all her privileges. The first and most valuable of which is the *boasted constitution of parliament*. The *Modus Tenendi parliamenta* transmitted hither by Henry the 3d, proves this.

If the acts of 10th Henry 7th, and 3d and 4th Philip and Mary have been misconstrued hitherto, usage and vicious practice can never sanctify the mode which has been adopted; and which vicious and false construction was first put upon Poynings' act by the Judges of that day, in 1692, the sordid tools of corruption and arbitrary power, not like in any measure the upright Judges of this day.

When Henry the 7th took so effectual a method as he did to prevent any laws from being passed in Ireland by future Viceroy, which were not first approved of by the King in council in England; is it not absurd to suppose that it was his intention to leave those very Chief Governors a power to stop all communication between his Majesty and the Irish Parliament; and of putting a negative upon all laws which should in any manner interfere with these Chief Governors? which Chief Governors may do,

if the present base practice and misconstruction of the laws were suffered to continue.

He paid some very handsome and just compliments to the present Viceroy and his Secretary, and said that he did not suppose that either they or the people of Ireland would think that his office which he now enjoys *should be* taken from him by so honourable an administration, for his parliamentary conduct, as he trusted it was such as did not deserve punishment. It is clear that the 1st of Henry 7th intended to restrain the power of calling Parliaments by Lords Deputies at pleasure, as they might before, and had no other object.

History informs us, continued he, that in the reign of Henry 7th there were great civil contests for the regal power between the houses of York and Lancaster. The two parties were headed by the chiefs of Ireland; and matters were carried so far against Henry, who was of the house of Lancaster, that his rival was brought to the city of Dublin, and crowned at Christ Church. Henry, in order to put a stop to these rebellious proceedings, sent over that very wise and brave man, Sir B. Poynings, who, by every method in his power, strengthened the hands of his royal master Henry 7th, as many statutes passed in his administration shew. However the proximate cause of Poynings' laws was Lord Gormanstown, Lord Deputy in Edward 4th's time, a friend to the York line.

Mr. *Walsh* said, that he rose with very great diffidence, as he found himself obliged to differ on so very great and constitutional a subject, as that then under discussion, not only with the Right Hon. Member (Mr. *Flood*) who made the motion, but also with his Right Hon. Friend (the *Provost*) who opposed it.—He should think himself unworthy of a seat in that House, were he mean enough to pin his opinion on the sleeve of any man whatever.—He differed with the Right Hon. Member who made the motion, because it led to a Declaratory Law, the foundation of which must necessarily involve this idea—that the two statutes the 10th of Henry 7th, called Poynings' Law, and the 3d and 4th of Philip and Mary, which expounds that law, have for centuries been misconstrued and abused—whereas, in his opinion, these statutes have been properly construed, that these laws warrant the practice, except in one instance, which he would mention before he sat down.—He differed with his Right Hon. Friend (the *Provost*) because he argued that those two statutes were innoxious, were innocent laws—that no law whatever was necessary to modify them—whereas he was bold to assert, that the constitution of Ireland never could be emancipated, until those two statutes were either totally repealed or at least modified.

The Right Hon. Member who made the motion, and he were perfectly agreed in the great principle, they only differed in the

mode of removing those shackles, that at this day disgrace the constitution of Ireland. If the Right Hon. Member was well founded in his argument, then the two statutes, the 10th of Henry 7th, and the 3d and 4th of Philip and Mary, must necessarily be a dead letter; they must necessarily be inoperative laws. If the Right Hon. Member was founded in his argument, then Ireland has at this day a legal right to the same free constitution that England has. But as he could not look on those statutes as a dead letter, as he could not look on them as inoperative laws; on the contrary, as he thought them very operative indeed, as he thought them living laws on that day, and was sorry to add, a living disgrace to Ireland, so long as they remained unrepealed or unmodified; he could not therefore agree with the Right Hon. Member's motion. They differed in this point only—the Right Hon. Member complained of the abuse of those laws—he complained of the very laws themselves.—In his opinion the fair way to meet the Right Hon. Member's argument would be, to state the parliamentary constitution of England, and to compare it with the present parliamentary constitution of Ireland; and then to see whether those two statutes have made any, and what alteration in the mode of legislation in Ireland. By the English constitution the laws originate with the people; he meant with either House of Parliament. In England the people suggested the laws they were willing to live under: Can there be a clearer idea of liberty? In England the only power the crown has in legislation, is that of simply giving or refusing its assent. Neither the executive magistrate, nor his council can alter a single sentence, nay a single syllable of the bills offered to him by the people.—His power is solely that of accepting or rejecting them *in toto*. Can the wisdom of the English constitution appear in a clearer light than in this very instance—that of placing the power of originating laws in that very body of men, that must necessarily be best acquainted with the grievances of the people, and must consequently best know what laws would be most salutary, and conduce most to public good. The constitution of Ireland was the very reverse of that of England.—He was bold to say, that it was the most extraordinary, the most preposterous constitution that ever an independent people succumbed to.

In Ireland the laws neither originated with the people, nor directly with the prince. In Ireland the laws originated with the Privy Council—a body unknown to, and unconnected with the people—a body whose very existence hung tremulous on the breath of Majesty.—These men, generated in the sunshine of the court, were to originate laws for Ireland, in exclusion of the representatives of the people.—For by the 10th of Henry 7th, ch. 4th, called Poynings' law, it is enacted—that no Parliament shall hereafter be holden in Ireland, but at such season as the

King's Lieutenant and Council of Ireland, first do certify the King, under the great seal of Ireland, the causes and considerations, and all such acts as to them seemeth should pass in the same Parliament.

The 3d and 4th of Philip and Mary, chap. 4, which expounds Poynings' law, still increases the power of the Privy Council; for, by Poynings' law, the Privy Council could only certify such causes and considerations, and all such acts as then seemeth should pass previous to the meeting of Parliament. That is, the Privy Council must have pre-conceived all such laws as they chose should pass, and must have certified them to England before the Parliament was convened—for Poynings' law did not empower the Privy Council to certify any causes or considerations after the Parliament had once met; and therefore to increase the power of the Privy Council was the statute the 3d and 4th of Philip and Mary made; and that statute enacts, that during the sitting of the Parliament, the Lord Lieutenant and Privy Council shall and may certify all such other causes and considerations as they shall further then think good to be enacted in the same Parliament—and such causes and considerations as shall be thus certified, and returned under the great seal of England, and no others, shall and may pass, or be enacted in the same Parliament—so that by these two statutes, the Privy Council (a body elected by the executive magistrate) are expressly appointed to originate laws for Ireland, in exclusion of her own representatives.

It is laid down by all the great writers on the English Constitution, by De Lolme, Montesquieu and others, that the executive magistrate has a share in the legislature of England, for the purpose only of protecting his own prerogative—that is, to prevent the other two estates from encroaching on the executive one—the share therefore of legislation, which the constitution has wisely placed in the crown, is that of rejecting—not of resolving or deliberating—for say they, if the executive magistrate was permitted to take an active part in the business of making laws, it would soon render the other branches of the legislature useless, and liberty would then be lost. This, he said, was the doctrine laid down by those two great men, Montesquieu and De Lolme, treating of the constitution of England. Let me, continued he, for an instant apply this doctrine to the present constitution of Ireland.

By Poynings' Law the power of originating laws is clearly transferred from the people to the Privy Council—a body unknown to, and unconnected with the people—a body created by the crown; so that in fact the crown proposes and originates the very laws, which as the executive magistrate he is to enforce. He knew not what could be called taking an active part

in the business of making laws, if proposing and originating laws was not taking an active part. Was not that the very case of Ireland at that day——does not the crown propose or originate laws—and have the two Houses of Parliament any other power, than that of a simple rejection? Certainly not. The present constitution of Ireland was the very inverse of that of England.

In England the laws originated with the people—in Ireland the laws originated with the prince—so that Ireland was on that day in the very situation that Montesquieu and De Lolme describe a country having lost its liberty.—But it has been argued by the Right Hon. Member (Mr. Flood) that Ireland has the same right to originate laws that England has—and that we only differ as to the name—that is, we originate laws here by introducing what are called heads of bills.—In England they originate laws by introducing bills.—He was free to confess, that if there was no other difference between them, they would readily agree—because he thought the words heads of a bill, and the bill itself, a distinction without a difference—but he, with deference, relied on it, that that argument was drawn from premises, not founded on law—for he absolutely denied that they had a legal right to originate laws, so long as the 10th of Henry VII. and 3d and 4th of Philip and Mary remained unrepealed or unmodified. Could that be said to be his that another man had a right to take from him? Could that be said to belong to the people that the crown had a right to take from them? Certainly not.—Now, said he, by the very letter and spirit of the 10th of Henry the 7th, and the 3d and 4th of Philip and Mary, (and he knew of no other mode of construing an act of Parliament) it is expressly directed, that all causes, considerations, &c. so certified, and returned under the great seal of England, and no others, may pass and be enacted in the same Parliament. Now, said he, the introduction of heads of bills into that House, so far as they could be said to originate laws before they had been first certified to England, and returned under the great seal of England, was, he relied on it, expressly and directly contrary to both the letter and the spirit of the 10th of Henry 7th, and the 3d and 4th of Philip and Mary.—That it was an absolute violation of those two acts of Parliament—and he would ask any gentleman who heard him——whether the violation of a positive act of Parliament, standing unrepealed, could mature into a right?—If it could not, what then was their situation? Ireland had no constitution—or, what was worse, the constitution of Ireland hung on the courtesy of the prince—wretched constitution indeed!—But he would admit, for argument, that they had an absolute right at that day to originate laws—and yet he would say, that such a power, in their present situation would be nugatory.—For, in his opinion, the introduc-

tion of heads of bills in their present situation, was an absolute absurdity, was a mockery of reason and common sense, while there remained a power in the Privy Council to alter, to mutilate, nay, totally to suppress those bills.

But it has been said, that the Privy Council has not a right to alter heads of bills at all—that these statutes do not warrant this practice—that there are no such words to be found in that part of the 3d and 4th of Philip and Mary, which relates to certifying causes and considerations after the Parliament has met—as the words to alter and change.—He was free to admit that in that part of the 3d and 4th of Philip and Mary, which related to certifying causes and considerations after the Parliament had met—that the words to alter or to change were not to be found in it.—But he said that these very emphatical words were to be found in the 3d section of the 3d and 4th of Philip and Mary—namely, that after the Parliament had met, the Lord Lieutenant and Privy Council shall and may certify all such other considerations, causes, &c. as they shall further then think good to be enacted in the same Parliament.—Here, he said, he totally differed with the two Right Hon. Members (Mr. *Henry Flood* and the *Provost*) because, in his opinion, that statute gives an express discretionary power to the Privy Council, to certify or not to certify heads of bills to England. Because, in his opinion, that statute appoints the Privy Council as the judges of what laws are necessary and expedient to be enacted in Ireland—and what not.—In exclusion of the representatives of the people—the words are too strong and too decided—such as the Lord Lieutenant and Council shall further then think good to be enacted in the same Parliament.—Now, said he, can it be seriously argued, that the Irish Privy Council has not a power of altering heads of bills—and yet that they have by this statute an express power of totally suppressing—of absolutely annihilating those heads of bills—that is, the Privy Council has an express power to annihilate the entire heads of a bill—and yet the very same Privy Council has not a right to alter a single sentence in that very bill.—Said he, the argument resolves itself into this point—That a body which has a power to destroy the whole, cannot destroy a part.—But, said he, there is a real abuse of those laws—there is a power usurped, not warranted by even the shadow of any law whatever—He meant the power usurped by the English Attorney General.—For, said he, if the Privy Council should transmit bills unaltered to England—even then they are to undergo the fiery ordeal of an English *Attorney General*—of any man, who fortuitously for the instant becomes the English *Attorney General*—possibly as ignorant of the common rules of grammar, as he is of the rights of Ireland.—This man buoyed up by the importance of office—thinks it his duty also to alter our bills—he erases, he

inserts, he expunges, for the sole purpose of stamping the constitution of Ireland with the *fiat* of contempt.—Thus we are reduced to this unhappy dilemma—either to adopt this mans' blunders, or to reject the bill *in toto*.—For by Poyning's law we cannot alter a word in it.—While Poynings' Law remains unmodified, the King of Ireland may know the wishes of his Lord Lieutenant and Privy Council—but he certainly cannot know the sincere wishes of his people of Ireland.—By Poynings' law the Lord Lieutenant and Privy Council have at this day a power to stop all communication between the King of Ireland and his Irish Parliament—a power, said he, the most extravagant, a power the most tyrannical, that was ever obtruded on an independent people.—He was as zealous as the Right Honourable Member who made the motion, to remove those shackles, which add insult to oppression, which disgrace the bravest, and most loyal part of his Majesty's subjects—the people of Ireland.—Ireland, that pillar which upholds the tottering fabrick of the British empire!—He concluded, by saying that in his opinion, the proper and manly mode of emancipating the constitution of Ireland, would be by totally repealing, or at least modifying the statutes of the 10th of Henry 7th, and 3d and 4th of Philip and Mary.

Mr. Metge said, that were it not for Poynings' law, this country would, in every respect, have rested in security; their bills would not have been sent over mutilated, nor the best concerted measures of parliament turn out abortive; if ever there was a time more necessary than another for committing such a law, the present was the moment: It never could be the intention of the legislature to vest such a power in the crown, notwithstanding that something of a stumbling block appeared in the Explanatory act of Philip and Mary. He differed in the mode with the Right Hon. Mover, and thought a Declaration of Rights should be introduced, which among other matters, would properly expound that law.

Mr. Chapman commended the propriety of taking up the motion at that time, and said, the House should go into a committee of consideration on the same; whatever attachments gentlemen might have, there were certain questions which could not be given up to ministry. Could any one reason be adduced for retaining the bill, it had done its duty, and should be given up, and they should go into a committee to satisfy the people, who looked towards them for the repeal of this act; above half a century they had beseeched and kneeled at their bar for that purpose, and they should shew them, for once, that they did not wait to be directed in every thing by England.

On the other side the motion was opposed by Mr. Gamble and Mr. Bushe, who found themselves anticipated by the Provost. Mr.

Gamble's argument turned chiefly on the reasonableness of placing more confidence in the Privy Council, who were all men strongly attached to this country, than in the House of Lords, many of whom were strangers and had not a foot of estate in it, and yet could by proxy defeat the best intended acts of the Commons. Mr. *Bush* asked why the proper and constitutional mode of redressing the grievance was not pursued, by bringing heads of a bill? The road to redress was plain and open, and he would prefer walking in it by the guidance of reason, to looking for light in the dark ages of ignorance.

Mr. *Messom* said, the variety of opinions which had occurred was a strong proof of the necessity of going into a committee, and complying with the motion of his Right Hon. Friend; which, in itself, was so moderate and just, that he wondered how it could be disputed; but that, as usual, every thing that came from his side of the House was fated to be negatived, he found, be it ever so fair. That the people of Ireland were divided into two classes only—her friends and her foes—that the former had examined those laws with the anxiety of a kindred physician, whose skill was backed by affection; but that the latter, the foes of Ireland, for some there were, and much he feared within those very walls, (and what place so proper for the malicious serpent, as where the sting would pierce the life) had pryed into those laws with the curiosity of the judges to misconstrue and sanctify a system by their opinions, to which Ireland was indebted as much in benediction as in benefaction.

He then observed that when the reasons of any law ceased, the law itself ceased of course; that this law was avowedly made to support the interest of the house of Lancaster against that of York, which had firmly maintained itself in Ireland nine years after the victory of Bosworth, and to put it out of the power of any Lord Lieutenant or his Deputy to be auxiliary to the designs of that house; and, continued he, if the farce of the Roses has not now been theatred for near three hundred years, and if there was no ground to mistrust, and he would be bold to say he did not live who doubted the security of the present royal family of England upon the throne of Ireland, the glory and pride of whose inhabitants were that their king should be a sovereign of a free people, there could be no pretence, no colour of argument in favour of this law.

He then severely and spiritedly animadverted on the misconstruction of those laws by the judges, and how infamous and false, at times, their opinions have been; that the opinion of the judges in direct violation of two recent acts of parliament, which they had sworn to maintain, and without any precedent to countenance it, made Henry VII. hereditary to the crown of England, purged him from the disability of parliamentary attainder, and

from natural as well as parliamentary bastardy and illegitimacy. That the opinion of the judges declared it lawful for Charles I. to levy ship-money in England, but both the collector and the judges were martyrs to the violated laws: That the opinion of the judges in 1692, made it lawful for the King of Ireland and the Privy Council of England to propose, alter, mutilate, and reject the money bills of Ireland: In short, that it is the opinion of the judges which has made the government of this country a monster unidea'd by the ancients, and overturned the constitution of Ireland topsy turvy, by transferring the power of the commons to the king, and participating with the commons the power of the king, barely to affirm or reject; but that he hoped the people of Ireland would, as the people of England once did, vindicate their laws, and maintain the constitution. He then went to prove that this law was null and void, as inconsistent, or else repealed by another of the 10th of Henry VII. which he did, by shewing the repugnancy of one branch of the statute with the other, and demonstrating that the law, confirming to the Irish the benefit and protection of the laws of England, was found in the statute books later than the law which subjects the parliament of Ireland to the power of the king, and the English and Irish Privy Council: And concluded by observing, that if even both these laws from the inconsistency, must fail, we were not without remedy, for that we had our *Modus tenendi Parliamenti* sent us by our first English sovereign Henry II. and that we had a charter more ancient by some years than the great charter of England.

Mr. Ogle said, he lamented the unfortunate difference of opinion between the two great supporters of the nation's rights against the law of Poynings, or the misconstruction of that law; [Mr. Yelverton and Mr. Flood] and most pathetically intreated Mr. Flood to accommodate himself to the wishes of his friends, and unite with Mr. Yelverton in his mode of bringing forward heads of a bill, &c. but he thought that taking that to be the proper mode, yet the committee now proposed would be necessary, and he never would suppress constitutional enquiry; he would vote for it.

Mr. Hufsey Burgh said he found himself in the same situation of the Right Honourable Gentleman who spoke last, and did most sincerely lament that difference of opinion, but thought of the committee as Mr. Ogle has done; for if it was right to bring in heads of a bill to explain and amend a law, it was proper to know how the law actually stood that was to be so explained and amended. He said, that at so late an hour (midnight) he would not enter into the question at large; but declared that as the law of Poynings' now operated, it was as derogatory to the crown as injurious to the people.

He said every man in the realm, every corporation has a right to petition the throne; and it was also an impeachable offence in

any minister that would dare to prevent such petition, or stand between the sovereign and his subject; and was it to be supposed that either house of parliament, aggregately, was deprived of the right which its members enjoyed individually; or that they alone, of all his Majesty's subjects, were prohibited from laying their petitions at the foot of the throne?

The *Attorney General* said, he did not mean to enter deeply into the subject, but just to observe that the motion for a committee, and the bill to explain and amend, were incompatible. The law of Poynings', says he, has an operation, we feel it has. It has been explained—we feel the operation of the explanatory law; and now we are desired to go into a committee to examine records and precedents, and evidence to tell us what the meaning of those laws are, whose operation we every day acknowledge. I will not give this kind of conduct a name. I will not call it——.

Mr. *Henry Flood* said—go on, I ask no mercy.

Attorney General.—Nor do I ask for any mercy but the mercy of good manners and parliamentary order. I only ask that I may be treated as I treat other gentlemen; but I ask the Right Hon. Gentleman himself whether it be parliamentary to break in upon a man's discourse every minute; sometimes with a whiff of satire—sometimes one way, sometimes another? But I say this is a committee that seeks after information, after the means to explain Poynings' law: It is already explained, by arguments (meaning we suppose those of the *Provost*) which have drawn applause from both sides of the house; and if any thing further was necessary, I think I could support it on popular ground, and shew the nation it should be the object of their most earnest wishes.

Mr. *Flood* spoke again in support of his resolution.

The question was put thereon, and divided in the negative.

Ayes,	—	—	67
Noes,	—	—	139

WEDNESDAY, DECEMBER 12.

Read and passed the three engrossed money bills, viz. the act for granting an additional duty on beer, ale, wine, cyder, &c. the act for granting certain aids, duties, and impositions as therein mentioned, and the stamp act; which were ordered to the Lords by Mr. *Foster*.

THURSDAY, DECEMBER 13.

A conversation took place on the bill for giving further relief to his Majesty's subjects of Ireland, professing the Roman Catholic religion.

Mr. *Gardiner* said, that he was taking the utmost pains to bring it forward in such a shape as he hoped would render it acceptable to every gentleman in the house, as in a case of such great importance, unanimity was earnestly to be desired.

Sir *Richard Johnston* said, that any bill by which Papists were permitted to carry arms, should meet his negative; and he was informed this bill contained such a clause: At any rate, he thought it a matter in which the nation was so deeply concerned that it should receive the fullest investigation; and as in his opinion, it was now too late in the session, he wished to put it off for the present.

The *Attorney General* said, that it was a subject of such a nature, so connected with religion, with interest, with prejudice, with all the most inflammable passions of the human breast, that it ought to be spoken of with the utmost coolness and moderation; that it was necessary, in the present temper of affairs, to use such means as would conciliate and draw together in closest union, the minds of *all* our fellow subjects; and therefore he hoped the house would manifest the greatest unanimity on the subject.

Mr. *Fitzgibbon* said, that he hoped sufficient time would be given to bring forward the bill in the most perfect form; that as the laws now stood, they militated against each other in a manner that made it impossible for lawyers to decide upon their true meaning; and therefore the necessity of one well digested law, containing the full and explicit sense of the legislature on this subject, was obvious; something he was certain ought to be done for the relief of so great a part of our fellow subjects, whose dutiful and loyal behaviour had rendered them deserving objects of attention.

Mr. *Daly* declared the same sentiments, but he thought it vain to hope for unanimity in any thing for the relief of Roman Catholics, for there was a spirit which actuated some members in that house, and which never would coincide in any thing that *could* be proposed to their advantage.

Mr. *Gardiner* said, *that he would not* offer to the house, in the heads of a bill which he was preparing, any clause permitting Roman Catholics to carry arms. His first intention, he said, was to attach a right of carrying arms to a certain possession in land; but for his own part, if he thought it would tend to produce unanimity, he would relinquish that idea.

Mr. *Holmes* said, the penal laws of Ireland were a disgrace to the legislature, and a reproach to humanity; that now when the liberal spirit of toleration had spread itself over almost all Europe, was the proper time to transplant it into this country, where he hoped to see it take root and flourish. Every author of great and manly genius, who had considered the subject, had reprobated religious persecution as the scourge and bane

of the human race. Every enlightened politician had endeavoured to destroy it. The Emperor of Germany, that friend to mankind, and father of his people, had set an example of toleration fit for the imitation of the world, throughout the extent of his vast dominions; Protestants, who through the narrow prejudices of former times, lay under many incapacities, (though by no means to be compared with those suffered by Irish Roman Catholics) were now raised to the enjoyment of every right possessed by their fellow subjects; and it would well become the wisdom and generosity of the house to grant such relief to *our fellow subjects*, who differ from us only in points of *faith*; but by no means in *loyalty and love of their country*, as would be a reward for long suffering merit.

Mr. Corry hoped, that whatever was proposed, the Right Hon. Member would not be hasty in bringing it through the house; that unhappily prejudice prevailed in that part of the kingdom where he resided, against the idea of freeing the Roman Catholics too suddenly from ancient restrictions. He hoped there was no foundation for such prejudices, yet, *as they subsisted*, he wished neither to irritate nor establish them; and, therefore, as a friend to the peace of all descriptions of people, he wished the house to use that caution in their proceedings, that should bespeak wisdom and due deliberation, so that whatever was done might appear to all parties, particularly to those whose fears were alarmed, in the northern parts of this kingdom, as the deliberate sense of a wise assembly; for that he could never consent to any mode of giving relief to one set of men, which should give real uneasiness to another set, so worthy subjects as those he alluded to.

Mr. Dillon moved, that the proper officer do lay before the house, an account of the forces on this establishment, from November, 1780, to October, 1781, distinguishing the numbers, monthly returned.

The *Attorney General* begged leave just to suggest to the Hon. Gentleman who made the motion, that it was usual upon such occasions, for the house to address the Lord Lieutenant, that he would be pleased to order the proper officer to lay such a paper before the house.

The *Speaker* said, that undoubtedly the house had a right to order any officer to lay before them any public paper that they should deem proper; but that the usual mode, was that which the Right Hon. the *Attorney General* had mentioned, when papers respecting the military establishment were wanted.

Mr. Flood quoted some precedents in which the house had departed from the mode, and thought that ordering the proper officers, by the direct authority of the house, was more suited to its dignity, than addressing the Lord Lieutenant upon every occasion.

Mr. *Eden* admitted that there were precedents on both sides, and quoted a great number from the Journals, to shew, that addressing the Lord Lieutenant, was by much the most usual mode, and it was founded in reason; for the Lord Lieutenant being the head of the army, every such information must come through him; and therefore it was the most expeditious, as well as the most respectful method to apply to him in the first instance.

Mr. *Mason* said, there could be no doubt of the House receiving the information desired; but as the two ways of acquiring it had been mentioned, he would certainly chuse that which was most respectful to the Lord Lieutenant, and best suited to the dignity of the House; and therefore, if the Hon. Gentleman would not accommodate his motion, so that it might pass unanimously, he would move an amendment, "*that an humble address be presented to his Excellency, that he will be pleased to order,*" and then would follow the Hon. Gentleman's words, "*the proper officer,*" &c. &c.

Mr. *Flood* said, that in moving an address to the Lord Lieutenant, in the first instance, the House did not give up *the exercise* of its right, to call directly on the proper officer; but if that address was produced by an amendment to the motion of his Honourable Friend, it would be giving up *the right itself*. He had always considered the present motion, as a motion of course, and wondered it should meet with opposition.

Sir *John Blaquiere* thought that as the Right Hon. Gentleman, Mr. *Eden*, had manifested every disposition to give the House the information desired, there was no occasion for stepping out of the usual road to acquire it.

The *Provost* said, that though sometimes a motion was put, that the proper officer should lay any particular paper before the House, respecting the military establishment of the kingdom, yet he never knew an instance where any gentleman proposing such a motion, was told, that the usual mode was by address to the Lord Lieutenant, that he did not agree to that mode; and this practice, he said, was founded on sound reason, for possibly cases might arise, where the Lord Lieutenant, who, from his situation, could best judge of the matter, might deem it highly imprudent and dangerous to the state, to publish an account of our military establishments. He said, he remembered at least twenty instances of proceeding by address, and not one where it had not been complied with if proposed.

Mr. *Dillon* persisted in his motion; he said he thought it absurd that the representatives of the people, with whose money the army was paid, should not call for information respecting that army from whatever officer they pleased. He desired to know, whether they could not call any officer to their bar, examine him on oath, and if they did not like, censure his behaviour?

This they could not do with the Lord Lieutenant, and therefore he was not the proper channel through which to seek information.

General *Cunningham* said, he thought that every officer civil or military, was bound to obey the order of the House, in producing any public paper in his possession for their information; but, at the same time, he thought, that by directing their orders to military officers *immediately, and without the intervention of the Lord Lieutenant*, they put such military officers in a very disagreeable situation, for they would feel much reluctance in obeying, without the permission of their superiors, whom they would immediately consult. An instance of this he himself had experienced when Adjutant General; and he was very certain that Colonel *Luttrell*, who now fills that office, would, upon receipt of an order from the House, apply for directions to his superiors to regulate his conduct. But for my own part, said the General, I wish the House to receive the information desired. The number of the army has been *mistated* to the House, *not by me*; I should be ashamed, in the station that I have the honour to stand in, to be unacquainted with the state of our forces; nor do I suppose that the mistatement offered to the House, was through design, or any thing but mere mistake; but I will inform the Right Hon. Gentleman of the number; on the first day of November, the number was 11,070 men and officers; this he will find to be the case when the returns are produced to the house; and as I wish to aid him as much as possible in the enquiry, I do recommend him to agree, that the House may address for those returns.

Mr. *Flood* defended what he had formerly advanced, as to the number of the army, which he was ready to prove; and complained that the proper saving of the annual pay of 4000 men had not been made to this country, as had been agreed when the nation sent that number of her troops abroad.

He said, he had a very great respect for the Lord Lieutenant, but a much greater for the dignity of the House, which he would never consent to give up. Every man, he said, saw that the present was a high-handed administration, but he would tell them, that a candid procedure was best suited to a free country, and that the same means that were used to withhold information from the British parliament, ought not to be used here. If the House received the papers now called for, by means of an address, and entertained any doubt of their correctness, they could not so well enter upon the proof; they could not ask questions at their bar, or censure the officer from whom the return comes. He said, under the same pretence, the officers of the revenue must be called upon, when wanted to give information, through the medium of an address, they being also under the direction of the Lord Lieutenant; but he thought it very unparliamentary,

to introduce the Lord Lieutenant's name upon all occasions; the Lord Lieutenant was the King's representative, and the King's name was never used in the British House of Parliament.

The *Prime Serjeant* quoted an instance in 1641, where a committee was appointed to inspect the military stores; but the Lords Justices refused to permit them, and it was afterwards discovered that some members of that committee were concerned in the rebellion of that day. This he adduced as a proof, that some latitude of discretion should be placed in the executive authority; that our means of defence ought not upon every occasion, to be made public; and as the chief governor could best judge of the times, it was right that all information on that subject should come through him, by means of an address from either house.

Sir *Lucius O'Brien* said, he had no objection while he sought for information, to be as civil as possible to the Lord Lieutenant, but he could not pay respect to the government of 1641, or to any precedent drawn from their conduct, who had thrown the nation into disorder, that they might have an opportunity of plundering honest people of their estates; nor should such a government ever be compared with the present. But there was no doubt of the Lord Lieutenant giving the information now demanded; the House had a right to it; the House made part of what in other countries was called *THE PRINCE*—the King, Lords and Commons were *THE PRINCE* in England and Ireland, and each of them had a right to every information of national matters. He said he would not wish the Hon. Gentleman to risk the resolution, or the alteration by amendment, on a question; that if he withdrew it, the rights of the House were but suspended, but if it was negatived, they were lost.

Captain *Burgh* and Mr. *Clement* spoke as to the difficulty the House lay under of ascertaining who was the proper officer; but that if application was made to the Lord Lieutenant, by address, that difficulty was obviated.

The opinion of Mr. *Brownlow* closed the debate.—To the Lord Lieutenant, he said, as representative of the king, who was the head of the army, all applications on that subject should be made, and made with a proper degree of respect; but if any information was refused, he was well assured the House knew how to vindicate its rights; he, therefore, would advise his Honourable Friend to withdraw the motion. The motion was accordingly withdrawn.

Mr. *Clement* then moved, that an humble address be presented to his Excellency the Lord Lieutenant, that he will be pleased to order the proper officer to lay before the House, an account of the forces on this establishment, from the first of Novem-

ber 1780, to the 14th of October 1781, distinguishing the monthly returns.

The question was put, and passed in the affirmative *nem. con.*
The House adjourned 'till Monday.

MONDAY, DECEMBER 17.

The House met, but did not proceed to any business.

TUESDAY, DECEMBER 18.

The House having addressed the Lord Lieutenant, that he would please to order the proper officer to lay before the House the monthly returns of the Army, from November 1780, to October 1781, the officer attended accordingly, followed by a serjeant bending under a load of said returns. They were ordered to lie on the table.

Sir Henry Hartstonge moved, that the Right Hon. Member who had called for those returns, should now stand up in his place, and read them to the House.

Mr. Yelverton said, that as he had given notice that he intended to move for a law to regulate the transmission of bills into England; and as a great deal had already been said on the subject, he would not in this stage of the business give the House any trouble, but only premise that his intent was to take from the Privy Council those rights which had unconstitutionally been wrested from parliament; to prohibit totally their power of altering bills, and instead of the words, "we pray it may be enacted," to introduce the words, "be it enacted."

Mr. Eden said, that in public business he did not much approve of paying personal compliments, yet he owned that whatever came from the learned Gentleman (Mr. Yelverton) commanded his particular attention; yet by this he would not be understood to engage in support of the bill now moved for, but would hold himself at liberty freely to discuss its merits when it came before the House.—He thought that in *all cases* of constitutional questions, the best method was to meet them, and to discuss them fully; and upon this principle he was ready to meet and discuss the present question.

Mr. Flood said that something ought to be done to put the constitution on a better footing; yet, in attempting this it might happen to be made worse. The Hon. Gentleman (Mr. Yelverton) had said, that he intended to take from the Irish Privy Council

their unconstitutional power, but he had said nothing of the Privy Council of England: Until their interference was also taken away, he should be unsatisfied, nay, would think the bill not only insufficient, but detrimental and pernicious. The Right Hon. Gentleman on the floor has said, he will give it a fair and manly opposition.

Mr. Eden.—I have not declared that I will or will not oppose it, but that I will freely discuss it.

Mr. Flood.—If the constitution is to be mended, I care not by whom, but if we are only to pass what will make us worse, I wish to remain on the ground we now stand. If administration intend to restore to parliament all her powers, I will thankfully receive them; but if they only mean to make some insidious offer, I reject it.—I apprehend that no lawyer, no man that has any regard for his present reputation or future fame, will say that the Privy Council of Ireland, or of England, has a right to stop or to alter bills passed by either house of parliament.—They cannot, they will not say it.

If then no such power exists, why bring a bill to repeal that power, as the very circumstance of bringing in a bill to repeal, admits the right?

Mr. Yelverton.—I cannot tell what opinion the Right Hon. Gentleman may have of me, but be that as it will, I am convinced, and I believe every lawyer that hears me will think the same, that by the act of the 3d and 4th of Philip and Mary, the Privy Council of Ireland have a right to stop, and if they please, to alter our bills. Indeed if the law had stood as in the 10th of Henry VII. and if the same rule or construction had prevailed that is now so well understood, I agree that the power of originating and sending bills to England, would have stood precisely as before the passing of that law: For where we are in the use and possession of a legal right, it cannot be taken away by implication or by negative—but by positive words.—But I could shew, that from the time of passing the Law of Poynings in the reign of Henry VII. to the time of passing the Explanatory-law in the time of Philip and Mary, it had three different constructions.

The first, and that which was most unfriendly to the constitution, was, that no laws could pass in any parliament holden in Ireland, but only such as were certified into England before the meeting of that parliament.

The second construction only regulated the mode of convening parliaments, and was considered as a security to the king and parliament against the power of the chief governor.

The third, that no law, originating in either house, could pass till it was first certified into England by the chief governor and privy council, under the great seal of Ireland, as is the present practice. I say that the law was construed in each of these three

ways, and the construction of it was very often governed by the commission given for holding parliaments. Mr. *Yelverton* proceeded to support his opinion by quoting the acts of Henry VIII. and the 3d and 4th of Philip and Mary.

Mr. *Flood* said, the last did not contain the words as quoted.

Mr. *Yelverton*.—The Right Hon. Gentleman says there are no such words in the act.—Assertion to be sure, is a very bold thing, but I will be as bold as he, and declare, that those words are there; and those words, I fear, conclude in favour of the Privy Council, and against the Parliament of Ireland.

As to the English Privy Council, I think it unnecessary to declare my opinion; I think it impolite, and I will not do it, though the Right Hon. Gentleman presses me. But what will he say to the law of Elizabeth, which enacts, that no subject shall even be *treated of* in the Irish parliament 'till first certified into England? Is it not, therefore, vain to hope for a restoration of our constitutional rights by any construction or explanation of the law of POYNINGS, or by any thing less than an *act of parliament*, to place the rights of this nation on their true and proper footing, when so many restrictive laws remain.

I did not mean to detain the House so long upon this subject, at present. I could, indeed, speak as long upon it as the Right Hon. Member has done, though possibly not so well; but this is not the proper time for speaking on it.—When the *time* comes, I will give my opinion fully; and then, if the Right Hon. Member thinks the bill inadequate, injurious, or pernicious, he will have full opportunity of opposing it.

Sir Samuel Bradstreet, after expressing his high opinion of the learned and Hon. Gentleman, (Mr. *Yelverton*) and his hopes that by such great ability something might be done to restore the constitution, and wrest from the Privy Council their power of stopping the heads of bills in their passage to the throne, said, that notwithstanding it was *clear* that they possessed the power of *stopping*, it was by no means *so clear* that they had any power to alter bills; for the moment a bill is altered it ceases to be the sense of parliament, and it is the sense of parliament which the Privy Council are bound by the law either to stop or to transmit. But he supposed his learned Friend intended to give satisfaction, and secure the constitution in every point; and this he might do in the bill proposed; for it is the common practice, by bills, not only to alter, but to declare what the law of the land is. He would, therefore, give his support to a law for taking away the unconstitutional power of the Privy Council, and to explain what the law of Poynings, &c. are, and how they shall be understood.

Mr. *Fitzgibbon*.—As I regard my reputation as a man of profession while living, and the opinion that posterity may entertain of me when dead, I shall declare my sentiments on this sub-

ject:—I agree in part with the learned *Recorder*, and in the whole with the learned mover of the bill. I think that by the law the Privy Council can either stop or alter bills in their passage to the throne. No words can be more express than those which give them that power. [Here he read the law.] And I say it is idle to suppose they may stop, but cannot alter heads of bills. But I further say, that there is no power in England that can alter heads of a bill transmitted from hence; they must be returned as *certified*, or they *cannot pass at all*: Every precedent quoted in this, and in the former debate on the same subject, confirms my opinion; and when I know that I stand on the ground of law and of reason, I am not to be borne down by any authority whatever.

The *Recorder* said, he was not ashamed to be set right; and acceded to the opinion of the last speaker.

Mr. *Flood* said, he had been accused of tediousness; but in a great constitutional question, where the vitals of his country were concerned, he laughed at the accusation. If gentlemen had consented to have gone into the committee he proposed on a former day, and to examine the *precedents* he then quoted, they would have seen sufficient cause to alter their opinions. But when I, said he, who am not an orator by profession, take up a legal subject, I am thought to obtrude upon those who are more immediately concerned in the practice of the law; yet, in great constitutional points, the difference is certainly in favour of the man who is not professionally a lawyer; for the practice of law ties a man down to the minute distinctions common in the courts upon cases of private property, while the man not practising feels himself at liberty to take more enlarged views. Of this he gave a very remarkable instance in a conversation on a constitutional point of law, which happened between himself and a very eminent lawyer, (we suppose he meant either the late Mr. *Malone* or Mr. *Fitzgibbon*) and in which, upon applying to the books, the lawyer confessed he had been in the wrong. He then went on to support his opinion—"that the laws of Poynings, and of the 3d and 4th of Philip and Mary, were misconstrued"—but if rightly understood, the unconstitutional power complained of was not at all vested in the Privy Council. He brought a vast number of authorities, and quoted not only the several acts of parliament that have relation to this subject, but also some commissions and letters of kings of England to their substitutes here. He even quoted the law of Philip and Mary itself, and said that the law contained a proviso that never had been certified; and he entreated gentlemen to consider, that as even the meanest criminal had a right to demand the *most favourable* construction of law, that they would not place parliament in a worse situation than the meanest criminal, by construing, in the most unfavourable manner, an unconstitutional law, that robbed them of their privilege. He said

that the unfavourable construction was first taken up in the time of *Strafford's* government, but, he thanked God, that the cries of this oppressed country had pursued and overtaken him; and he earnestly prayed that a like vengeance might light upon the head of every future tyrant, who should attack the constitution with the high hand of prerogative, or the slower *sap* of corruption.

He said that by a Declaratory Law we should fix our constitution on a solid basis, by a law to regulate the manner of certifying bills; we confessed our rights were taken away, but there was no power on earth could take them away; for if some god or some devil should inspire the House to pass an act destructive of the constitution, yet it would be but a dead letter, and the representatives of the people might think themselves happy, if the people did not *tear them piecemeal*; for neither God nor man had given them authority to destroy the people's rights. But as parliament had been the protectors of the people's rights, (he wished he could speak in the present tense) he hoped they would be so again. They had power, he said, to redress every grievance; they needed but to pass a short Money-bill, and then demand their rights; this was the effectual way to have them restored. Formerly even Money-bills were altered; but the moment parliament asserted their rights, the enormity was removed.

He said that he could not perceive any disposition in the councils of England to assist us in asserting the rights of our constitution: That the Mutiny-bill was an incontestible proof of this: That as our laws at present stood, the constitution was safer than it might be made by the way in which the bill moved for might be permitted to pass. If that should be the case, he declared he would lift up his voice to Heaven, and Earth should resound with his cries against it. He therefore begged that if gentlemen had not some assurance of making the constitution better, they would not run the risk of making it worse.

Mr. Crookshank said, as the Right Hon. Gentleman (*Mr. Flood*) had thrown out a challenge to every man who wore a bar gown, to combat his opinion, and as he was one who differed from him, he could not sit silent. He had attentively read the laws in question, and, upon the best consideration, was decidedly of opinion, that the sentiments of the Right Hon. Gentleman were incompatible with the letter, as well as the intention of the act. The Right Hon. Gentleman had taken uncommon pains in his researches, but the authorities he cited were totally inapplicable. The commissions and letters of a crowned head were not evidence against the express letter of a law, or our constitution would be a poor one indeed; but if they were evidence against a law, the Right Hon. Gentleman could not have put his finger on two sovereigns more exceptionable than those he named—Henry VIII. and Queen

Elizabeth; both of whom were inclined to arbitrary power. The Right Hon. Gentleman had said much on declaratory laws, but upon this subject he also differed from him: A declaratory law, in his idea, was to remove doubts arising from the common law, or from the construction of a statute law; but a declaratory act to make a law, expressly contrary to the letter of a preceding statute, was repugnant to every principle of a declaratory statute. He said his opinion always was, that the construction of the act of Henry VII. and the letter of the act of Philip and Mary, had introduced an uneasy barrier between the crown and the people; and he had been taught to believe, that the only mode of amending a law was by introducing a new one for the purpose! He therefore concurred, with the Hon. Gentleman, in the heads of a bill that were proposed.

Mr. *Flood* replied, and cited the act of Philip and Mary, to shew that a Declaratory-act might go further than merely expounding the doubts arising from a former act.

Mr. *Crookshank*, in answer, said, the Right Hon. Gentleman had fallen into a mistake, by taking up his idea merely from the title of the act, which was declaratory, and the first part of the act only was declaratory, but the latter part was a new law, introductive of new matter, and it was in no sort inconsistent for the same law to be declaratory in one part, and explanatory and amending in the other.

Mr. *Bagenal* said, that before passing the Irish Mutiny-act, he thought we had nothing to fear from this prerogative; but that the Mutiny-act left it no longer problematical what a dangerous concurrence of temptation there was for a King of Ireland and the parliament of England to enslave this country; that he could, therefore, now only look on the declaratory-law of George I. as a link of that chain that we must expect to feel if ever England should resume her usurpation: That if these laws should never be made a bad use of, still they were more than imaginary grievances, for no man would expose his fortune in trade while another declared he had a right to dispose of it; and that while Poynings or any other unconstitutional law remained, we should never be in a state to give any assistance to England. That it was not pinning her infant ally between prerogative and usurpation that would restore her glory, she must hold up the advantages of her own constitution to all her friends, and then the whole world would seek to be incorporated with her empire. That it was men who maintained a disparity of constitution that disunited us; yet, though most administrations had supported this principle, he had found opportunities of voting with most of them, even Lord *Townshend's* had its Octennial-law, for which he was grateful—for

Courtiers must be accounted good,

When they are not the very worst of men.

His successors had their naturalization act; he was grateful to

them, as if they had not exerted the utmost extent of ministerial influence to lay a land-tax on this country. In Lord *Buckingham's* administration he had voted in frequent majorities: Ireland seemed to emancipate, and our constituents were contented—but he had no glad tidings for them now—he would not flatter men he loved—he could not tell them they had trade, while England usurped a power of controuling it—he could not tell them they had the principles of a British constitution while the Irish Mutiny-law remained, and Poynings-law was perverted: But he would tell them that he did not acknowledge the validity of an act that militated against the principles of the British constitution—that liberty must be the subject of their story, and when that is obtained, trade will flourish without trouble or expence—that politics must be an object of their study, that they may learn to instruct their delegates.—He would bid them put their trust in God, who can set nations free, and in the religion and experience of our present Sovereign, and in their own spirit, which, with the help of God, would always be sufficient to deliver them out of the house of bondage.

Mr. *Walsh* declared that he had not heard any thing that could persuade him, that the Privy Council were not in the full possession of the right complained of, but he had heard of the impurity of the time, and a good deal of language to that purport; however, as he was conscious of acting upon principles of strict honour and integrity, he would declare, that if the Right Hon. Gentleman meant to apply these expressions to him, *he asserted a false fact.*

Mr. *Flood* said.—I did not even know that the Hon. Gentleman was in the House; though I am certain that nothing but great corruption, and great inattention in former parliaments, could have suffered the innovation, or allowed the misconstruction I complain of. At the same time I am very far from thinking that there is no impurity in the present; yet I applied the expressions to a much earlier period.

Mr. *Hussey Burgh* said, he should be unhappy if any difference of opinion among gentlemen should defeat the great object of his learned friend (Mr. *Yelverton*). When the subject came fairly before the committee, would, he thought, be the proper time to consider it dispassionately.

Mr. *Flood* said, he did not express any intention of dividing the House upon the question—his object was, to obtain for the nation as much as possible.—He had endeavoured to extract a declaration of the intention of the Right Hon. Gentleman (Mr. *Eden*) but in vain; but he declared that nothing less than a full examination of the constitution would content him.

Mr. *Hussey Burgh* said, that he did not think that the Privy Council had any power to alter bills, for the words of the act do

expressly preclude alteration; the words are, that they shall certify *all such tenors and ordinances*, &c. Now every lawyer will acknowledge, that a *tenor* is an exact and precise copy in *hæc verba*, not differing any, even the most trifling word, from its original; and an ordinance must be an act of one or both houses of parliament, and therefore must be certified precisely as received, and not altered in a tittle; for the moment it is altered, it ceases to be the sense of parliament, and every man will admit, that at common law, it is an impeachable offence to alter the sense of parliament.

The *Speaker* then put the question, "That leave be given to bring in heads of a bill for the better certifying of bills to be sent to Great-Britain." It passed unanimously in the affirmative; and Mr. *Yelverton* and Sir *Richard Johnston*, who had seconded the motion, were ordered to prepare the same.

Mr. *Grattan* took notice of some expressions that had passed between Mr. *Flood* and Mr. *Walshe*; and at his request those gentlemen explained themselves to the satisfaction of the House.

Mr. *Hussey Burgh* said that in England gentlemen who had obtained degrees in either of the two Universities, Cambridge or Oxford, were admitted to the bar with less difficulty, and upon easier terms, than persons who had not such advantage; and as there was now a bill in its progress through the House, for regulating the admission to the Irish bar, he intended to move for a clause, granting the same privilege to gentlemen who had taken, or should hereafter take degrees in the University of Dublin; for it is well known, he said, that it requires as much learning and merit to obtain degrees in that University, as in any other in the world.

He declared also, that in his intention he was supported by his worthy and learned colleague, whose sentiments on the subject entirely coincided with his.

WEDNESDAY, DECEMBER 19.

The *Recorder* presented a petition from the woollen and mixed goods manufacturers, complaining that an act of last sessions put them under great difficulties, together with duties claimed by the *Alnager*, to the obstruction of their trade: He introduced the matter of the petition in the most eloquent and polite manner.

He then moved, that the petition, together with one before brought in by him from the woollen manufacturers, be referred to a committee of trade, to meet the second Monday after the recess,

and that they be heard by counsel, and have leave to examine witnesses at the bar of the House.

Mr. *Yelverton* said, the office of alnager was of great antiquity, not created by the crown for the gratification of dependents, but appointed by parliament, for the regulation of trade, and other most useful and salutary purposes; that, at this æra, of the opening of a free commerce with all the world, it was more particularly necessary—as well to stamp a national credit upon our manufactures in foreign markets, as to defend from frauds the public at home, on whose behalf, he hoped, both parties would be indulged with a patient hearing, and a free investigation of the subject.

Sir *John Blaquiere* declared the highest satisfaction at the enquiry—he said that he hoped in justice to the public it would be carried to the utmost extent; he was happy to find that *all the proceedings* in this business were to be brought before parliament—and he hoped that any concern he might have respecting the emoluments of the office would be the last consideration of the legislature.

Mr. *Flood*, soon after his coming into the House, rose to review and recall the debate of the previous day, in which he said the very vitals of the constitution were concerned. He said his opinion upon the subject had been combated by the whole bar, though they were in favour of the constitution of Ireland. This opposition did not alarm him; yet he could not but be astonished, that gentlemen not yet in office should take upon themselves the drudgery of administration; and he concluded that by a liberal construction of the laws, bills ought to originate in parliament from their first sitting, and that the Privy Council were bound to transmit them, and that they had no power to alter or suppress. He had been almost overwhelmed by the variety of the opposers on the preceeding day, yet all their power and abilities, far from making him change his opinion, had only tended to confirm it. He had since examined the acts, which he had made his consideration for twenty years, and he could not find a tittle in them that deprived parliament of the power to originate bills, or that gave the council of either kingdom power to alter bills after the meeting of parliament; and he called upon gentlemen to point out the sentences by which they maintained doctrines hostile to the constitution. He said the recess was going to take place. He was going into the country: he wished therefore to have the sentiments of every person upon the subject, not only those of administration, but those of each individual, that he might have leisure to turn them in his mind, and give them every examination before the subject was again brought into parliament.

Mr. *Hussey Burgh* touched upon the subject, to shew in what he differed from the last speaker, and expressed his astonishment that his conduct should be called hostile to the constitution, as he had on all occasions shewn himself its friend.

Mr. *Fitzgibbon* said he condemned the wild and extravagant ideas of Mr. *Flood*, which, he said, were such as any lawyer ought to be ashamed of. He maintained the opinion which he had given the preceding night, from which he said he could never recede, whilst he acted according to his conscience, or regarded his character as a professional man. He resented the charge of being inimical to the constitution; said he had at all times shewn his attachment to the freedom of his country, and that on no occasion whatsoever had he skulked from constitutional questions.

The *Recorder* said, though his opinion differed from those of the Right Hon. Gentleman, yet he did not on that account think himself liable to unjust insinuations. It had been his fortune to oppose government frequently, and he had opposed the present, how much soever he personally respected the characters in it. It was true he was in office, but it was an office he held from the people: But he did not think it justifiable to suppose the opinions of gentlemen to be corrupt, merely because they were in office.

Mr. *Yelverton* got up in some heat, and addressing himself to the *Speaker*, claimed his protection, and that of the House against the insinuations which had been thrown out. He took notice in the most pointed terms of the impropriety of Mr. *Flood's* conduct in raking up past debates, which, he said, was highly unparliamentary and improper. He then adverted, to some expressions of Mr. *Flood*, which he thought were intended to insinuate against the purity of his conduct and intentions; and with great manliness and firmness, appealed to the whole of his private and public conduct, which, he said, was well known, and was strictly consistent and uniform.

Mr. *Flood* rose, in reply, to explain his meaning, as far from intending to cast any personal reflections; he complained that after a service of twenty years in the study of a particular question, it was taken out of his hands and entirely wrested from him. The Hon. Gentleman was erecting a temple to liberty; he hoped, therefore, at least, he should be allowed a niche in the fane.

Mr. *Yelverton* said, the Right Hon. Gentleman had considered himself as having espoused this question; he hoped, therefore, though the Right Hon. Gentleman did not allow him to have any knowledge in the constitutional law, he would allow him to know something of criminal law—that if any man married a wife and lives with her in constancy, it was a crime, to take her away from him; but if a man shall separate from his wife, desert and abandon her for seven years, another might then take her up and give her his protection.

Mr. *Flood* rising again, the House called to order.

The *Speaker* then said, as the good humour of the House was returned, he should not be so strict in reminding gentlemen of their infringement of the orders of the House.

Mr. *Flood* acknowledged the justness of the rebuke, and begged leave to say that he neglected no opportunity of bringing forwards the present question, and that when being in office he had been told that supporting it would be considered as hostile, he had rejected the menace with contempt.

The order of the day was called for and read, for going into a committee on the heads of the bill for regulating contested elections for members to serve in parliament.

THURSDAY, DECEMBER 20.

The committee of the whole House, Mr. *Tydd* in the chair, went through the bill for regulating the trials of controverted elections for members to serve in parliament.

In going through this bill Mr. *St. George* took notice of the great hardships which gentlemen underwent in being confined sometimes for months in trying an election, and the many inconveniences that the public suffered by being deprived of the services of such gentlemen; for his own part he declared he would much rather submit to be taken into the custody of the Serjeant at Arms, or be imprisoned in Newgate for a *reasonable time*, than undergo the confinement of sitting on one of the long trials. To remedy which inconvenience, he had drawn up a clause which he wished to have inserted in the present bill, "to compel every committee appointed to try a controverted election, to report to the *Speaker* the special reasons why they had not finished the business to them committed, if in four weeks, at the utmost, they had not decided upon it; and also that they should declare what further time it would take for them to come to a final determination." This, he said, would be holding out to every committee that they ought to finish their business within a month, or be able to assign some very sufficient reason why they did not.

Mr. *Daly* said, he had been upon some committees that had taken up a considerable time, which to him was as disagreeable as to the Hon. Gentleman; but if they had taken time, it was owing to the extreme delicacy of the members, and their eager desire of doing strict justice. He believed that every gentleman would wish upon such occasions to dispatch the business with as much haste as a proper regard to his oath would permit; but he reminded the Hon. Gentleman, that if in four weeks he did not hear sufficient evidence to form his opinion; it would be a great hardship to compel him to be perjured by act of parliament.

Mr. *Fitzgibbon* spoke to the same purpose, and the bill passed the committee without the clause; was reported to the House, read, unanimously agreed to, and ordered to be carried up to the Lord Lieutenant.

FRIDAY, DECEMBER 21.

The House met, but there not being a sufficient number of members, or business ready to be brought before them, the question of adjournment was moved and carried.

SATURDAY, DECEMBER 22.

Mr. *Eden* read and presented to the House his Majesty's answer to the address of both houses of parliament.—[For the address, as moved by Mr. *Yelverton*, see page 125.]

His Majesty's Answer to the Address of both Houses.

G. R.

“His Majesty has received, with the most entire satisfaction, the dutiful and loyal address of the Lords and Commons of Ireland, and assures them, that this very affectionate proof of their unalterable and zealous attachment to his Majesty's royal person, family and government, in the present critical situation of affairs, when his Majesty's dominions are attacked by a powerful and dangerous combination of enemies, is most peculiarly acceptable to his Majesty.

“His Majesty who regards all his subjects with one and the same parental affection, considers their mutual interests as being inseparably connected and united, and makes it a great object of his reign, to improve, strengthen, and confirm that union and connexion; and notwithstanding the calamity of some late adverse events, his Majesty, confiding in the assistance of divine Providence, the justice of his cause, and the affections and resources of his brave and loyal people, does not doubt, that he shall be able to defeat the confederacy of his enemies, and restore the blessings of a lasting and honourable peace to all his subjects.

“His Majesty thanks his Parliament of Ireland for their cordial offer of support in the prosecution of all such measures as may tend to the attainment of these great and desirable ends, and gives his faithful Lords and Commons, the most affectionate assurances of the continuance of the royal favour and protection.”

A Message being received from the Lords, that the Lord Lieutenant was ready to give the royal assent to the bills, the *Speaker* with the House attended.

The *Speaker* on his return reported, that the Lord Lieutenant had given the royal assent to the three money bills presented by the House.

The Speaker's Speech in presenting three Money Bills.

“ May it please your Excellency,

“ Though no material change in the circumstances of this kingdom has taken place since the conclusion of the last session, it ought to be, and I am persuaded it is a subject of general satisfaction to reflect, that amidst the horrors of war it has shared none of its calamities; that the public tranquillity has been preserved within, and that the dangers with which it was threatened from without, have been averted by his Majesty's paternal care, by your Excellency's vigilance and judicious conduct, and by the voluntary and virtuous exertions of its own loyal and brave inhabitants; nor is the future prospect less pleasing than the view of what is past. Several attempts have been lately made, and with success, to establish in this kingdom new manufactures, to revive and improve the old, and to extend its commerce. The lower orders of the people are recovering from their former indolence and ignorance, and the spirit of enterprize and of industry, the great spring of national happiness, begins to diffuse itself through the nation.

From those dispositions in the people, and the generous encouragement given to every useful undertaking by those of higher condition, it seems not too much confidence to hope, that the time is not far distant when this kingdom will emerge from that state of inaction and languor, into which it was sunk; and that it will assume that rank in the empire which belongs to it, and become one of its principal pillars. The Commons, sensible of the benefits they enjoy under your Excellency's just and wise administration, have with unusual dispatch granted all the supplies which were required, and have also made provision for the discharge of an arrear of 300,000*l.* incurred since the last session; and though they have not imposed on the subject any new or additional tax, except for the purposes of regulation, they are not without hopes that the revenue will hereafter prove adequate to the public service; and that the augmentation made by such regulation, and the reformation already commenced in the collection and management of it, will prevent any future deficiency.”

SUNDAY, DECEMBER 23.

The House met and read the money bills.

MONDAY, DECEMBER 24.

The tobacco bill, equalizing bill, sugar bill, and qualification bill went through the committee, and were reported.

On heads of the linen bill being committed, and part gone through, the *Solicitor General* moved, that the words "*and to the islands of Faro and Ferro*" should be inserted, that the House in this new bill might take advantage of the alteration made in the bill which had been rejected the other day.

This was opposed by Sir *Henry Hartstonge*, who observed, there were not forty members in the House, and that if the motion was insisted upon, he would move to tell the House.

The *Solicitor General* put many arguments to make Sir *Henry* desist from his opposition. He said, that it appeared from the original heads of the former bill, that it was the design of the House, that the words should have been in the bill, as they had been inserted in the draught, but from some inadvertency, had been cancelled by a stroke of a pen—that the House in adopting the words would only comply with their own original ideas, and that the words were necessary for the purposes of regulation, and for the prevention of frauds.

Sir *Henry* persisted, and was supported by Sir *Annesley Stuart*, Mr. *Stuart*, and Mr. *Montgomery*, who were endeavoured to be over-ruled by Mr. *Parnell* and other gentlemen.

Mr. *Grattan* returning into the house, and learning the question of dispute, said, it had been his opinion, that it would have been better to have suffered the words to be inserted without observation; as however, that had not been the case, and parliament had entered into the discussion, as a matter in which its privileges and dignity were concerned, he was of opinion, that the *Solicitor General's* motion should not be permitted, and he should certainly oppose it.

Upon this, the committee proposed to report some progress, and ask leave to sit again the next day.

TUESDAY, DECEMBER 25.

Mr. *Gardiner* rose, and said, that as some gentlemen seemed apprehensive that too much was intended to be granted for the relief of the Roman Catholics, it was but proper, they should be

put in full possession of the full scope and intent of the bill which he had moved for leave to bring in, and had formed not upon his own single opinion, but with the assistance of some of the best informed and most public spirited members of the legislature; but as he did not intend bringing in his bill till after the recess, and therefore could not *move* for having it printed, he would himself, as a private person, take care to have it printed, and that copies of it should be sent to every member, that during the recess they might have full leisure to consider it.

Mr. *Montgomery*, of Cavan, said, that doubtless there were some laws that bore so hard upon the Roman Catholics of Ireland, that they were a disgrace to our statute book, and ought to be repealed, but he very much doubted the propriety of repealing indiscriminately all the laws complained of by that people; he therefore thought it would be right to go into a committee, and examine the laws that affected them, by which parliament would be able to judge what ought to be abolished and what ought to be retained.

Mr. *Grattan* said, he did not rise to oppose the going into a committee, or to promote it, he only intended to observe, that it was granted on all sides that some indulgence should be granted to the Roman Catholics; the only difficulty was, how that indulgence should be granted; for his part he wished the House to do it HANDSOMELY—for the merits and the sufferings of the Roman Catholics claimed it from us.

He said, we are not to judge of them by their creed, their actions shewed that they departed from it, or did not carry its principles into life; the natural good disposition, the hurry of human affairs left no time to enter into disquisitions concerning mysterious points of doctrine; and as religious controversy was held in contempt, so the rancour of bigotry was despised; a philosophic disposition seemed to pervade every country; and *here* it should be *cultivated*. The Roman Catholics had not been supposed attached to the constitution, and with good reason, because they were known not to enjoy its benefits; yet that Roman Catholics might be attached to a constitution they could enjoy, was obvious; for it was Catholics that wrested Magna Charta from King John; and there were two late very trying occasions, on which they behaved with great propriety—one was, when the country was threatened with an invasion—the other, when in the last session, such very great exertions were made to recover our free trade and constitution; their behaviour then was in the highest degree praise-worthy; they did not catch the opportunity to make terms, but liberally and unconditionally joined with their Protestant fellow subjects in every effort to serve their country. By this, and by a continual course of good behaviour, they had merited the favour of parliament. But this favour ought to be

granted with some regard to the prejudices of Protestants ; for even Protestants (he spoke with respect and reverence of the faith which he possessed) had their prejudices.

With some regard to the prejudices of Presbyterians, whose political principles he preferred before all others, parliament should endeavour to make the indulgence agreeable to every party, and beneficial not only to the Catholic, but to the nation; it should be the business of parliament, to unite every denomination of Irishmen, in brotherly affection and regard to the constitution. It had been well observed, by a gentleman of first-rate understanding, a member of the British parliament, that this country could never prosper, till its inhabitants were A PEOPLE ; and though the assertion might seem strange, that three millions of inhabitants in this island should not be called a people, yet the truth was so, and so would continue till the wisdom of parliament should unite them by all the bands of social affection—then, and not till then, the country might hope to prosper.

Mr. *Foster* said as gentlemen had raised some objections on the preceding day to have the Faro and Ferros inserted in the new linen bill, it had been the object of administration to comply with the delicacy of the House, and to adopt the advantage, which the insertion of those words held forth, in another mode to which there could be no objection. He said, the alteration made in the former bill, in one of the places, where the words had been introduced, was extremely proper to be adopted, but if inserted in the linen bill, it could only extend to the objects of that bill : Now, he thought that there were other objects to which it might be made extend with good effect ; he would therefore insert the purport of the alteration, and make its influence general, by introducing a new bill, to which he would add some clauses respecting Levant goods, Alguazil silk, and the importation of the implements of manufactures which were proper to be enacted in this kingdom, and which an Honourable Baronet (Sir *Lucius O'Brien*) had on a former day declined his intentions of introducing.

Mr. *Montgomery*, (of Cavan) said, that when gentlemen concerned for government, acted in such a manly, fair and candid manner, they might ever be certain of meeting with the unanimous consent, approbation, and thanks of the House ; for his part, he was so well pleased with the open and proper conduct of the Right Honourable Gentleman, so unlike what had sometimes been practised by others in similar cases, that he had his most hearty thanks.

WEDNESDAY, DECEMBER 26.

Mr. *Holmes* gave notice, that he would immediately after the recess, move for an enquiry into the penal laws of this kingdom; and doubted not, that he would be able to shew such strong reason, and draw such forcible conclusions from them, that the House would be convinced of the necessity of a general reform in that branch of police. He also said, that he would submit to their consideration, the state of our jails and prisons, which he feared would be found more defective than in any other country in Europe, particularly with regard to the danger of infection, as experience had manifested; for we had instances of the jurors, the lawyers, the witnesses, and almost every person attending in our courts, being swept off by the violence and malignity of the jail infection.

The Lord Lieutenant went in state to the House of Peers, and gave the royal assent to the bills.

After which the House adjourned to the 29th of January.

TUESDAY, JANUARY 29, 1782.

The House met pursuant to adjournment.

- Previous to the reading the bill for better securing the liberty of the subject, Sir *Samuel Bradstreet* said, he could not suffer it to pass without drawing the attention of the House to the subject. It was a bill of the first consequence to this country—had been earnestly desired for a long series of years, and repeatedly refused to this kingdom, and he therefore congratulated his country in having gained so favourite an object, and thought every gratitude was due to the gentlemen of administration, by whose representations and exertions its return had been effectuated.

After the bill had been read, the *Provost* observed it had been a great object of the Irish nation, ever since the revolution, and had for late years been urged almost every session. He thought the bill of the utmost consequence to the kingdom. He congratulated the city of Dublin in having a member who had been so successful in bringing forward this subject, and the nation at large, in an administration who had the liberality and patriotism to procure this boon to Ireland.

Mr. *Gardiner* said, that on Thursday next he would bring in heads of a bill for the relief of the Roman Catholics, but he would not debate the subject till a future day.

Mr. *Montgomery*, (of Cavan) moved that a committee be appointed to revise and examine all the laws that have been made against Papists in this kingdom, and to report to the House their opinion whether *any* and *which* of said laws ought to be *amended, altered or repealed*.

Mr. *Gardiner* said, that in order to pursue this resolution with effect, it would be necessary to examine all the statutes that have been passed since the revolution, for that many of the most oppressive penal laws were so blended and combined with statutes of a different nature, that they were often to be found where, from the title of the act, they could least be suspected, nor could they be separated from the beneficial parts of some laws, without great risk of destroying the whole; but he thought the method he had the honour of proposing to the House would obviate every difficulty, and had certainly been brought forward in the most candid manner; early in the session he had given notice of his intention—he had since caused the bill to be printed—he had taken the opinions of the very ablest men in parliament—by those opinions he had corrected his own—he was still ready to receive every further improvement that could be made to the bill—but being determined as far as in him lay, to give such relief to the Roman Catholics as would advance the prosperity and gratify the wishes of the whole nation, he would not be led away from this object by entering into the enquiry proposed by the Hon. Gentleman.

Mr. *Montgomery* confessed that the enquiry would be attended with much trouble, but thought that the information which the House would thereby gain would be an ample recompence.

Mr. *Dillon* said, he could not believe the Hon. Gentleman serious in the resolution he had proposed: Every man in the House, every man in the nation, saw the necessity of granting relief to the Roman Catholics—the bill proposed by his honourable friend, Mr. *Gardiner*, went directly to that point, and the committee proposed could answer no purpose but retard it.

Right Hon. *Hussey Burgh*.—It is intended that the committee proposed (which cannot be a committee of the whole House) shall deliberate on the most important subject that can possibly come before parliament; and if the House should agree to the resolution it would include this absurdity—that the power of the whole would be given up to a part—but in the way that the Right Hon. Gentleman, Mr. *Gardiner*, has brought the subject forward, it lies open to the fullest investigation of free debate; but I perceive that this resolution is proposed merely to defeat the bill for the relief of the Roman Catholics.—If it be thought an improper bill, let it be fairly opposed by reason and argument, not by craft or stratagem; by parliamentary wisdom, and not by parliamentary art.—I do not hold myself pledged to support the bill brought in by the Right Hon. Gentleman, Mr. *Gardiner*—

if it can be improved, I am ready to adopt improvement—if it be erroneous, I wish to correct its errors—I think it lies open to free debate, and am determined on this and every other subject to exercise my reason freely. The Honourable Gentleman who introduced the resolution is, I am convinced, above using stratagem or art to defeat the bill in question, and will no doubt, as he would avoid such misconduct, avoid *even the appearance* of cause for such an imputation.

Mr. *Montgomery* said, that the Right Honourable Gentleman did him no more than justice in declaring, that he was too liberal to use craft or stratagem; the resolution he thought bid fair to be very useful in directing the judgment of the House; but as it did not seem to receive approbation, he would withdraw it.

Mr. *Coppinger* took notice of the ruinous state of the old Custom-house, which he said was disgraceful as well as dangerous. He said, that his Majesty's Commissioners had determined to remedy this effect, and to that purpose had taken a large piece of ground adjacent to the North Wall, on which they were now erecting a proper and extensive Custom-house, with every necessary office and accommodation. That the ground, however, had only been taken in trust for his Majesty, but it was now deemed expedient to vest it directly in the Crown; for which reason he would move for leave to bring in heads of a bill "for vesting in his Majesty, his heirs and successors, the ground on which the new Custom-house is now building, together with that part of the quay called the North Wall adjacent thereto."

Mr. *Forbes* moved that the proper officer lay before the House a list of all bills that have been transmitted since the commencement of the present session, with the dates of each transmiss respectively.

Mr. *Carleton* said, he could not see the necessity of this order, and declared he did not even know who the proper officer was.

Mr. *Forbes* answered, that the necessity was obvious, and the Honourable Gentleman might be informed of the practice, by consulting the Journals from the earliest times down to the present session.

The *Provost* said, that he knew of but one precedent for this order, which was in the year 1755, or 1756; yet as he was convinced the Hon. Gentleman moved it for some good purpose, he would not give it opposition.

WEDNESDAY, JANUARY 30.

Mr. *Eden* rose.—He said it was with extreme concern that he found himself necessitated to acquaint the House, that from the information he had received, the Portugal negociation had not ended in the manner he had wished and hoped, or as the House and nation had a right to expect. From the part he had taken upon himself in this business on former occasions, he thought it his duty to give the House the earliest information in his power, though as the House was thin, and their minds were unprepared upon the business, he would not go into the question, but would propose that on this day se'nnight the business should be brought on. He would, by that time, be prepared to lay every necessary information before the House, fully and faithfully, respecting the conduct which his Majesty's ministers had taken upon the subject; and he begged, gentlemen would consider what was proper to be done; and come with their sentiments digested upon the point under consideration, that the decision of the court of Lisbon had been unfavourable to this kingdom.

THURSDAY, JANUARY 31.

Mr. *Gardiner* gave notice, that he would on Friday move for leave to bring in heads of a bill, for the further relief of his Majesty's subjects in Ireland, professing the Popish religion.

Hon. *John Burke* said, he would ever oppose the introduction of a bill, that with a single dash of a pen, abolished all the restraints that the wisdom of our ancestors had laid upon that people; that he wished to grant them some indulgence, but that the clause which gave them power to obtain perpetuities in land, was, in his opinion, much too extensive. Had the Right Honourable Gentleman who introduced the bill, consulted him upon the occasion, and made his indulgence somewhat more moderate, he should have had the best support of his abilities, such as they were; but at present, he must oppose the introduction of the bill.

Mr. *St. George* spoke to the same effect, and said that it was necessary that the Protestants, who were so much inferior to the Papists in number, should have some check over them, which would be entirely taken off, if the clause granting perpetuities to Papists was to pass; this, he said, was his objection to the bill; and if it could be freed from this, he would not give it any opposition.

Right Hon. *Thomas Conolly* said.—Mr. Speaker, I declare that this bill shall have my firmest and most zealous support; to me

it appears to be founded IN JUSTICE, GOOD POLICY, and TRUE RELIGION; and though in debating it, some alterations and improvements may be made, yet the general intention is such, as no wise or liberal man can oppose; God forbid! That after having proved the loyalty of the Irish Papists, for an hundred years, we should now fear to emancipate them from the oppression of laws which the humanity of their countrymen disdained to enforce. Many of the laws against Papists remain merely a dead letter, disgraceful to your statute books. I would wish that no law should stand there, but those which every friend of his country would assist to enforce; and as no friend of Ireland or of human nature can enforce those laws, they ought to be repealed.

Sir H. Langrishe said, that it was a very unusual thing to see opposition given to the introduction of *heads of a bill*; that if they contained any improper matter, the time for debating and pointing it out, was when the bill went before the committee. He would not therefore suppose, that the House would for a moment hesitate to receive a bill whose object was to liberate one million and a half of loyal Irish subjects, now suffering under laws that presented the highest picture of *impotent malice*. He asked, did the conduct of Irish Catholics, deserve such treatment? If not, he said, in the name of God, let the bill come forward! Let us consider what is due to our own dignity—what is due to the merits of our suffering countrymen—they are a people that deserve our favour, and therefore let us not shew an unwillingness to naturalize such a multitude, who are aliens in their own country.

Mr. Ponsonby thought it would be extremely wrong to shew any unwillingness to receive the bill—a people of such exemplary loyalty had his good wishes.

Mr. Ogle spoke to the same effect; he said he was ready to give the Papists every indulgence consistent with the safety of the established church—but he hoped it would not be urged with intemperate zeal, nor opposed with any improper violence; he hoped that candour would influence the minds of gentlemen on both sides; it was not, he said, a question of religion, but a question of state; they did not sit there as in the schools of old, to consider nice, religious, or metaphysical distinctions, but as legislators to provide for the safety and prosperity of their country; he declared that he had opposed a former bill for the relief of the Catholics of Ireland, because its introduction had somewhat the *appearance* of a surprise on the House; though he was certain the gentleman who introduced it, had not that intention; but the present bill being fairly brought forward, he was ready to give it the fullest hearing, and to do every thing for the Papists of Ireland, con-

sistent with the safety of the constitution, and of the Protestant fellow subjects.

Mr. *Brownlow* said, that whatever could tend to unite the people of the country, and strengthen their attachment to it, deserved the most serious attention of the legislature; that this bill being intended for the wise and salutary purpose, it should from him receive the fullest investigation; he said that the most free and unrestrained toleration in all religious matters, ought to be granted to every man; that he who was a *good subject*, should never be questioned as to his articles of faith, but should enjoy the full benefit and protection of the law;—and he asked, whether there was any other country on the face of the earth, where seven-tenths of the whole people were excluded from the benefits of the law, and the privileges of their fellow subjects, merely because they differed in religious opinions; yet, under this oppression, the Roman Catholics had retained their loyalty and love to their country, and it was now but justice to grant them relief; he said, he did not look upon the bill moved for, as by any means a perfect system, but when it should be committed, he thought it might receive much alteration and improvement.

Leave was given to bring in the heads of the bill *nem. con.*

Sir *Lucius O'Brien* said, that now, when the honour and the commercial interest of the nation are attacked, is the proper time to unite every Irishman in the support of his country's rights, and nothing could more tend to this purpose, than repealing laws which every man in the nation despised and condemned; he intended, he said, to move for a call of the House upon the notice which Mr. *Eden* had given, of the ill success of the Portugal negotiation; that then, when he hoped every member would attend, that the Roman Catholic bill might be fully discussed, and he trusted would meet a most liberal and honourable support; he therefore moved,

“That the House should be called over on Wednesday next, and that each member should be written to, to attend, on matter of the highest importance to the commercial interest and national rights of Ireland.” Agreed *nem. con.*

FRIDAY, FEBRUARY 1.

The *Attorney General* presented heads of a bill for the better securing and recovering the debts due to the crown. He observed that this bill was a compilation of a variety of clauses extracted from many English acts of parliament, some of them of a very early date, to compel the persons receiving monies

for the crown, to render fair accounts. That it had no respect to any individual, but was intended for the general service, and he wished, in a fuller house, to enter more largely into an explanation.

Sir *Henry Cavendish* said, that if the act was printed, the gentlemen of the House would have a better opinion of considering its merits; for his own part, he could not pretend to give it due consideration during the hurry of the House, but at home, and in his closet, he might have an opportunity of considering it.

The *Attorney General* said, that as no other member desired to have the bill printed, he thought printing it would be unnecessary, but in order to give the Hon. Gentleman (Sir *H. Cavendish*) every possible satisfaction, he would take care to have him furnished with a fair transcript of it.

SATURDAY, FEBRUARY 2.

The House met, but did not proceed to any business.

MONDAY, FEBRUARY 4.

The House in a committee of Courts of Justice, the *Recorder* moved "that the present salaries of the Judges, are inadequate to the dignity of their station."

Mr. *Grattan* complained, that the bill which had passed that House, and was sent over to England, to render the Judges independent of the crown, *during good behaviour*, was not returned; he thought, that while they held their places but *during pleasure*, it was a matter of little consequence to raise their salaries, nay, that it would be injurious to the constitution, as it was obvious that he who held a very profitable place at the will of the crown, was more at its devotion, than he whose emoluments were not so great. He wished to amend the tenure, as well as to enlarge the salaries of the Judges, and one without the other, he considered rather a loss than an acquisition; for which reason, he moved to amend the resolution, so that it might run thus: "resolved, that the present tenure and salaries of the Judges, are inadequate to the dignity of their stations;" and concluded with saying, that he thought it exceedingly dangerous, to have persons dependent on the crown, who may, upon certain occasions, be called upon to decide against the King.

Mr. *Ponsonby*, jun. recommended to the Hon. Gentleman, to let the resolution for enlarging the Judges *salaries* pass, as he doubted not at a future day, that parliament would be able to improve their tenure.

He was supported by the *Recorder*, who said, that he was as anxious as any man in the House, to establish the Judges upon a footing of security, consistent with the principles of the constitution; and that by perseverance, he doubted not the House would be able to carry the point; yet, in the mean time, he thought it would be no slight acquisition, if their salaries could be raised, as at present they were extremely inadequate to the dignity of such truly respectable personages as resided in our courts. Nor could we in case of vacancy, by death or otherwise, hope to see the benches filled as they ought to be, from amongst the most eminent barristers, if the appointment of a Judge were kept so vastly below what any eminent practitioner at the bar was known to make of his profession.

Mr. *Brownlow* said, that he thought the present establishment of Judges insecure, and their appointments insufficient; but he would first chuse to give them a permanent tenure, and afterwards to encrease their salaries, which he thought might be done by subjoining to the resolution proposed, an amendment by which it would run thus—"resolved, that the present salaries of the Judges are inadequate to the dignity of their station, and that the House will address his Majesty to encrease the same, in full confidence, that the bill committed for rendering the Judges independent during good behaviour, will be returned, and pass into a law in this kingdom."

Mr. *Grattan* said, that by encreasing the salaries of the Judges, without securing them in their places during good behaviour, the subject was put into a worse situation than he was before; for it was obvious, that a man who received 2000*l.* per annum, was more dependent than he who received but 800*l.*—besides it was considered, that parliamentary connections were very often preferred to knowledge of the law; he thought it would be extremely dangerous to encrease the salary without encreasing the security for holding their places.

The *Attorney General* said, that the Hon. Gentleman had expressed that, which was the wish of every man in the House—that Judges ought to be independent during good behaviour; and he hoped it would one day be obtained; but in the mean time, he asked if any man could object to the resolution proposed, which was, to inform the crown that the Judges were not sufficiently provided for; was there any man that thought their integrity would be diminished by the encrease of their salary? Would it not rather be allowed, that, if provided for as gentlemen, they would act as gentlemen; but if suffered to remain in a distressed

situation, though nothing could be feared from the *present Judges*, who had ever manifested strict integrity, yet he would not answer for their successors, who being in the wretched situation of Romeo's apothecary, and tempted to do a dishonourable action, might make the same answer that the apothecary made;

"My poverty but not my will consents."

Though he wished as much any man to make the Judges independent during good behaviour—yet he did not think their situation in this country so much worse than their situation in England, as was generally imagined, for in this country there were no prerogative questions; in the whole course of his practice, he did not remember a single one; nor did he think the argument used by the Honourable Member, (Mr. *Grattan*) that gentlemen were taken from the House of Commons to be made Judges, had any force against the question—as the House of Commons was certainly the best school for obtaining a knowledge and acquiring a love for the constitution.

As to any thing that might have been insinuated, the Judges might receive a bias from the minister, being dependent on the crown, he thought that no minister would ever be so wicked, or so bold, as to attempt it. When it was said to *Walpole* that a certain Judge had always opposed him, and should therefore be displaced, his answer was—it is true, *but he is an honest man, and I hope no minister will ever presume to interfere with the courts of justice.*

Mr. *Eden* declared himself interested in the question, as well for the consequence and dignity of the Judges, as for the safety and happiness of the people; he thought it highly proper that the Judges salaries should be raised, as the best security and the most certain preservative for their integrity, and best enabling them to live in a becoming manner; he said they were left without any temptation to debase their rank. As to what had been said of gentlemen being placed on the bench through parliamentary connexions, he would only observe, that the most illustrious characters that had flourished in our courts of law, had been taken from the House of Commons—*Mansfield, De Grey, Somers, Camden*, and many others of the most exalted ability, and most incorruptible integrity.

Mr. *Grattan* and Mr. *Brownlow* spoke again in support of their former opinions.

Mr. *Carleton* said, that merit should be cherished wherever it could be found; yet, in Ireland, where the Judges held their places at the will of the crown, there were fewer persons raised to the Bench from the House of Commons, than in England, where the Judges held their places during good behaviour.

The *Provost* said, that he considered the independence of the Judges as an object of the first consequence, and he hoped that the House would never lose sight of it 'till it was obtained; at the same time that this was his opinion, he was sorry to see the resolution for making them independent, fastened upon one for enlarging their salaries; for as the House had already transmitted a bill for making the Judges independent during good behaviour, if they should give a negative to the amendment proposed, it would seem as if they had changed their opinions; and if the resolution coupled with the amendment was to pass, it might run some risk of proving ineffectual on that account, whereas he thought the encrease of salary to the Judges would be a great point gained in favour of the subject; he would, therefore, recommend leaving out, for the present, that part of the resolution which looked to the improvement of the Judges tenure, and would only retain that part which respected the encrease of their salary; for if the salary of a judge was once raised to become an inducement to Barristers of the first rank to accept of a seat on the Bench, the subject might ever be sure of upright Judges; as men of that description, even if dismissed from their office of Judge, would always find an asylum in the arms of their profession, which would be tenfold honourable and profitable, if they had suffered from a strict adherence to justice. Besides, whenever the Bench is supplied from the most eminent of the Bar, he said, the consequence of the men will be able to obtain an act to establish the permanency of the office.

Mr. *Fitzgibbon* and Sir *Lucius O'Brien* spoke to the same effect, and the question being put on the amendment, there appeared

Ayes,	—	—	24
Noes,	—	—	84

The question was then put on the original motion, which passed without a division.

The *Recorder* took notice of the many great delays and inconveniencies that persons summoned on juries in the courts of Dublin are liable to. He said that punctuality is the very first feature in the character of a merchant, and that this was totally destroyed by the wanton and unnecessary waste of his time, which was often made in the courts. He said, in England the case was otherwise, for when a person was summoned on a jury, if he came at the appointed time, entered his name in the court, and waited half an hour, he might then go away, if not called upon; whereas here a man must appear, perhaps, at nine o'clock, wait the whole day; or if, towards evening, he should depart without leave of the court, perhaps he may be fined more than his circumstances will bear, or justice will warrant.

He would, therefore, move the House to come to a resolution:

“ That no person summoned as a juror in any of the courts in Dublin should be fined for non-attendance, if he could make it appear that he had attended at the hour appointed by summons, and had waited in the court one hour after.”

The *Attorney General* said, he possessed as much regard for the mercantile people as the learned gentleman who made the motion, but he would not indulge them at the expence of the constitution, which he thought would be injured by the House of Commons assuming a controul over the proceedings of Courts of Justice. He said if his learned friend wished to correct any error, it must be done by presenting heads of a bill to that effect.

Mr. *Eden* expressed his best wishes to relieve the merchants and other citizens, who suffer through the practice complained of, and suggested that an order of court might correct the inconvenience.

The *Recorder* admitted the propriety of this mode, but despaired of seeing it adopted. He withdrew the resolution, and gave notice that he would present heads of a bill to the same effect.

TUESDAY, FEBRUARY 5.

The Right Honourable *Luke Gardiner* being indisposed, and unable to attend, Mr. *Dillon* presented heads of a bill for the further relief of his Majesty's subjects in Ireland, professing the Roman Catholic religion; which he moved should then be received and read.

Sir *Hercules Langrishe* said, that as he knew the Right Hon. Gentleman who prepared the bill, wished that it should receive the most attentive consideration, in a full House, he requested to have it printed, that every Gentleman might fully understand its scope and intention; and that a day might be appointed to have its merits discussed.

The *Provost* said, that he had for many years considered the Popery laws as oppressive to Roman Catholics, and disgraceful to the legislature; that hardly any thing could be proposed to remove them to which he would not assent; yet he recommended to the House the most deliberate attention to what they were now about to do. The interference of the legislature in matters of religion, could only go so far as religion had an influence upon temporal affairs; for he hoped there was not a man in the nation of so illiberal or narrow mind, as to wish to CONTRoul the conscience of another in points merely speculative. If then this interference of the legislature with religion, so far as had been mentioned, might be considered as a powerful engine in the hands

of the state, capable of being employed to the great advantage of the community, he would beg leave to suggest to the House an idea for improving the bill now before them, so as to make it of the highest national advantage; and in saying this, he well knew the delicate ground on which he stood, being the head of a great University; but he hoped it would be considered that he spoke as an official man. He said, that the manner in which persons were at present educated for the Romish church in Ireland, was to the last degree impolitic; that by sending them abroad their affections were in some measure weaned from their own country, and they imbibed prejudices no way advantageous to it. If Roman Catholics were permitted to receive a liberal education in their own country, where true philosophy was known to flourish, their priests would become more enlightened—their attachment to the state which granted them protection, would be strengthened—and the general good disposition of the people would still be improved.—He thought that this should be done at the public expence, and under his Majesty's authority and direction; and suggested that if the establishment of the Romish Clergy in Ireland, was put into the hands of the king and council, under this restriction—that no person should be promoted in that church, after a certain period, who had not received his education at home—it would give the legislature so great a power over their clergy, that they might ever rely upon the affection of the people.

Mr. *Dillon* agreed with the *Provost*, that a clause to the purport he had mentioned, would be highly advantageous to the nation, and extremely satisfactory to the Roman Catholics. He seemed to wish for the assistance of that learned gentleman, upon the occasion; but the *Provost* in that excused himself, and declared, that though the bill had his most hearty good wishes, he could by no means undertake it, but should leave it in the able hands of those gentlemen who first brought it forward.

The bill was committed for this day se'nnight.

The Hon. *John Burke* wished it had been committed for the first of September next; but as it was, he moved—that it should be an instruction to the committee appointed to consider that bill, that they should introduce a clause therein, reciting the different acts, and clauses of acts, intended to be repealed thereby.

The *Provost* said, he could not suppose the Hon. Gentleman was serious in his motion; there were many angry and cruel laws that oppressed the Roman Catholics; indeed they were so very bad that there was no great merit in repealing them; but there was no necessity for recapitulating what every wise and liberal man wished to bury in eternal oblivion; and as the enlarged and benevolent system of politics which now prevailed, had produced this bill of *cconciliation*, that all parties might be induced to pursue the general

good, and forget the miseries of former times, he trusted that no gentleman would raise up in memory any circumstance that could tend to disturb this happy disposition.

Mr. *Burke* hoped he would be esteemed as true a friend to his country as any other gentleman: He confessed he was not able to enter the lists with Mr. *Provost*, as an orator, but he was not singular in his desire of having the particular laws recited that were intended to be repealed, and would therefore insist on his motion, as he was convinced it was useful.

Mr. *Mason* said, that as every senator was supposed to understand the law, he would recommend the Hon. Member who made the motion, to sit down and examine all the acts which had been passed for one hundred years past, and when he had selected every act, or clause in an act, which operated against the Roman Catholics of Ireland, he might, by way of amendment, recite them in the act now under consideration.

Mr. *Parnell* said, he thought the motion neither inflammatory nor unnecessary: He thought that the people ought to be made acquainted with the measure of indulgence that was intended to be granted. That it was but decent and respectful to examine those laws, which the wisdom of our ancestors had thought necessary to enact; that reciting only grievances, and flurring over favours, was unwise; and if the House should pass a general law for relieving the Roman Catholics, without even waiting to examine the laws by which they were restrained, they might be considered—as giving, without weighing the favour—as bestowing bounty, without counting the sums.

Sir *Hercules Langrishe* said, that all the proceedings of parliament did not furnish an instance of a committee being put under such a restraint, and opposed the motion.

Sir *Boyle Roche* said, that whenever the subject was mentioned, he was always struck with the greatness of the object—no less than the delivering two millions of our fellow subjects, who for an hundred years had groaned in bondage, and restoring them to the enjoyment of liberty in their native country.—He said that no men in the nation denied, that upon every principle of JUSTICE, HONOUR, TRUTH, and PUBLIC GOOD, the Roman Catholics of Ireland ought to be set free; and asked whether we could ever be a great and happy people 'till this was accomplished.—He hoped no man would think himself interested in still fomenting division and dispute; and though allowance must be made for prejudice, yet he hoped no man in the nation was malignant enough to gratify his spleen by the ruin of his country. The poor unhappy Roman Catholics, for an hundred years, have laboured under the most cruel hardships that prejudice could impose; yet such was their love of this country, that even oppression could not shake their

fidelity—they scarcely uttered their distress, or if a sigh escaped, it was directed to the compassion of their generous countrymen, whose love of liberty, they hoped, would at last impart that blessing to them—and are such subjects now to be treated with CHICANE, with PARLIAMENTARY CRAFT? Forbid it Heaven!—I hope, and I am confident, my friend will not disgrace the cause he has espoused, by *trick* or *manœuvre*, but will support it on principles of honour and honesty, if it can be so supported.

Mr. *Bushe* said he thought the clause unnecessary—the committee will certainly recite every statute that ought to be recited—but if they enter upon this bill, under the restraint of the resolution proposed by the Hon. Gentleman, and if by accident they should omit ANY ONE CLAUSE of all that MULTITUDINOUS CODE, which stands condemned by being unknown; if they should not be able to *detect every one* of those numerous clauses, that lurk almost in every bill for an hundred years backward, clauses which the most *knowing* do not know, and the most *severe* do not execute—it may be said that the committee have not obeyed the instructions of the House; and for this reason, I am against their entering upon the bill under the restraint proposed. I did hope, said he, that this bill would pass unanimously, but if it must be opposed, let it be in a FAIR and MANLY way, and not upon such ground as this.

Mr. *Hussey Burgh*.—I apprehend, Mr. *Speaker*, that if the House should agree to the motion proposed, it might be productive of very great mischief and embarrassment in the courts. It has already been declared, that the laws against Roman Catholics are so blended with other laws of different kinds, that there would be some difficulty in separating and disuniting them; and if any one clause should happen to be omitted in the recital, a lawyer might give the courts infinite trouble to decide what was, or what was not, the intent of the legislature; but there is another, and much more powerful reason—we are now going to repeal all the laws that oppress Roman Catholics, and I should not chuse to look back upon that cruel code, which would stand as an impeachment to the Protestant name, whose GREATEST GLORY IS UNIVERSAL TOLERATION and BENEVOLENCE. I would, therefore, draw a veil over acts, which a hard necessity, lamented by every humane mind, compelled our ancestors to impose upon their countrymen.

Mr. *Brownlow* said he did not approve of the motion, but thought that the committee might be empowered to receive a clause, reciting what was intended to be repealed.

Mr. *Fitzgibbon* said, there were but two ways by which the Roman Catholics could be relieved: The first was, by reciting one

by one the different laws made against them, and repealing such as the legislature deemed oppressive; the other was, to repeal the whole in the gross, with certain exceptions—that this being the most simple and easy method, the Right Hon. Gentleman who had brought forward the heads of a bill now before the House, had followed it—for as the great object was to liberate every Roman Catholic who should take the oaths, and, with certain exceptions, to place them on a level with their fellow subjects, there was no necessity for reciting the laws under which they had suffered.

Mr. *Burke* said he did not wish to be like the fools who scatter firebrands in sport; and he withdrew the motion.

Mr. *Hussey Burgh* said, that if agreeable to the House, he would on Monday next submit to the consideration of gentlemen a matter of the highest concern—a matter in which the established church was deeply interested.—If it should, by any person, be thought singular in him to take it up, when, indeed, it was an object directly within the province and observation of the Right Revd. Bench of Bishops, he hoped that it would not be supposed he had not the utmost reverence and esteem for that bench; but the duty which he owed to the University, which he had the honour to represent, compelled him to expose the evil, and attempt a remedy. The evil he complained of was, that persons were admitted into holy orders upon Scotch degrees; and he hoped he would not be deemed illiberal, when he should move for leave to bring in heads of a bill to prevent this practice, as his object was to make the clergy respectable, by admitting amongst them none but men of the most improved education—such as was to be attained in the two great Universities of England, or in the University of Dublin; which last, he said, furnished a number of gentlemen more than sufficient to supply the Church of Ireland, and was, therefore, much injured by the practice of admitting persons of inferior education, upon Scotch degrees.

The *Provost* supported Mr. *Burgh*, and said, he had spoken to many of the Right Revd. Bishops upon the subject, who all condemned the practice complained of, but still it was continued. He thought, therefore, that it was but doing justice to the Right Revd. Bench to assist their wishes in putting a stop to it; and would therefore, as well as from his desire to support the dignity of the University over which he had the honour to preside, most heartily coincide in the intention of his honourable friend.

Mr. *Fitzgibbon* joined in the same declaration, and thought it would be considered as an attempt to vindicate the dignity of the Right Revd. Bench, not as an act offensive to them.

WEDNESDAY, FEBRUARY 6.

About half past three Mr. *Eden* rose and said, he was now in some measure prepared to enter into the Portugal business:—When upon former occasions the subject had been introduced and he had pressed its being deferred, his conduct was formed upon sentiments which he thought at *the time* the most prudent and politic; the same sentiments induced him to bring forward *now* what he had *then* postponed. He said, the subject had been introduced originally by a member for the city of Dublin, presenting a petition from the guild of merchants; which petition had been ordered to lie upon the table. In order, therefore, to have some ground for entering upon the business, he would move, “that the petition should be forthwith referred to a committee of the whole House;” which method of proceeding would be the most respectful to the merchants who had framed the petition, and the most proper for the agitation of the subject; as in a committee it could be discussed with greater freedom than in the House. When the House should be in a committee, he would be willing to state fully and candidly the whole of the subject, as far as he had been able to collect information by official or extra-official correspondence; or by the letters or conversation of merchants.

Mr. *Flood* gave some little opposition to entering into a committee immediately; he thought several preparatory steps should be taken, papers should be called for and referred, and necessary powers given, without which a committee could not fully investigate the business.

But the House in general appearing desirous to acquiesce in the mode proposed by Mr. *Eden*, and he requesting that he might be allowed to state the business and tell his story in his own way—Mr. *Flood* retracted his opposition, and the House resolved itself into a committee.

Mr. *Eden* began by stating, that in all questions of public importance, when those who are intrusted with the public interests have been unsuccessful, it is a constitutional idea that they should consider themselves as culpable, till they have justified themselves to the public. That to this species of trial he was desirous to submit, in full confidence that after a fair investigation of the subject, both he himself and those under whom he had the honour to act, would appear not only free from all possible crimination, but be proved to have acted with the utmost zeal for the commercial interests of Ireland.

With regard to the present business he observed, that merchants and others in the first warmth of disappointment, and in the recollection of old prejudices, which had fettered their com-

merce, had shewn some disposition to suspect that the English ministers either in England or in Lisbon, had acted under the influence of English monopolists, and favoured individual interests against those of this kingdom. He treated this idea not only as utterly improbable and ungenerous, but inapplicable also to the subject; as it implied, that the queen of Portugal and her ministers had confederated with the king of Great Britain and his cabinet; and he observed further, that the whole idea was founded in error and absurdity, because some possible interest must be assigned to account for an interested conduct; and in the present check to trade, which relates to woollen manufacturers, chiefly, if not entirely, of the new draperies, and to printed linens, it would appear on examination, that there is no pretence for a competition. With regard to the woollens, the species of manufacture exported were not only of a species entirely different from those sent from Great Britain, but must for a great number of years be too small to bear any rateable porportion to the English exports; and besides, the British merchants cannot be fearful of the Irish competition in foreign markets, when they are actually supplying the Irish markets to twenty times the amount of what Ireland has any expectation of exporting to Portugal.

As to the *linens*, the suspicion was quite ridiculous; for the English exports of that article do not amount in value to 2000*l.* annually; and it deserved notice that England takes from this kingdom near 2,000,000 yards of linen, and exports to Portugal less than 20,000.

He then said, he would place the question, though against his own feelings, in the most disadvantageous point of view that it would bear.—It is true, said he, that before the free trade was settled, that we had some trade with Portugal for woollens and printed linens, and that now we have none. It is also true, that though in many branches of trade which are burdensome, we fully share the burdens of the British merchants, in this, which is advantageous, we stand secluded and on a separate ground.

On the first view of this grievance, for such it was, he could not help expressing his concern for the individuals, who had suffered by having their goods seized and detained at Portugal; but it was premature to consider *their* losses, though the day might come, when that consideration would be reasonable and just.—Upon the first opening of the trade in 1780, they had made their exports to Portugal with a laudable spirit, which in a commercial nation deserved encouragement. The calamities of war had closed the other European markets; the Lisbon market was open; it was natural to examine the extent of the British exports to that market, and draw great expectations from the comparison. It was natural to conceive, that there would be an extreme avidity

to admit openly in the Portuguese markets, what had hitherto been carried thither clandestinely. It seemed impossible to suppose, that not only the benefit of the *woollen treaty* would be desired, but that *printed linens* would be also excluded, which had for the whole century been admitted without interruption.

As to this, he added that Portugal had undoubtedly a right to exclude any introduction of foreign linens from other countries; and that it is the principle of commerce to make the exclusion of a commodity operate in proportion to the labour bestowed upon that commodity, for the obvious purpose of encouraging domestic industry. This is done in most countries of Europe with regard to painted sattins, printed calicoes, &c. Cottons too on this principle are prohibited from England by Portugal; but in the present case, Ireland had to complain of a strictness commenced against her, which has not operated equally against Great Britain. Though this in strict reasoning was a grievance, he was glad to observe, that it could not be sensibly felt, because the whole quantity of linen cloth, both plain and printed, which was sent to Portugal in 1776, from Ireland, when the trade was perfectly open, was less than 32,000 yards, being worth about 2,250*l.* at 1*s.* 5*d.* per yard; and near four times that quantity was sent in the same year to Spain, without any treaty to assist it.

The extent of the disappointment in regard to woollens was greater; about 210,000 yards of new drapery having been exported from Ireland in the year ending March 1781, the first year of the free trade.

Having now stated the extent of the disappointment, he desired the leave of the House to enter into a full detail of the facts which related to that disappointment. In order to do this with accuracy, and to shew the real anxiety which he felt, not to conceal from the House the minutes and circumstances which had passed, he would read, as a part of his speech, various minutes and extracts.

It appeared from those papers that a few days after the arrival of the present Lord Lieutenant, his Excellency, upon the mere rumour of the detention of the merchants goods, had commenced his endeavours to obtain redress; and that in a correspondence with the Secretary of State in England, the minister and consul of Portugal, and sundry merchants in Dublin, the point of obtaining the full enjoyment of the Methuen treaty of 1703, and relief both present and future in the article of printed linens, had been urged without intermission, and with the warmest anxiety and firmness by his Majesty's ministers. On the part of Portugal it appeared, that the strongest hopes of compleat satisfaction, had from time to time been given; but that very unexpectedly the Earl of *Hillsborough*, on the 24th of January, had received a visit

from the Chevalier de *Pinto*, who acquainted him in positive terms, "that he was commanded by the queen of Portugal to declare, that she was determined not to allow on any account, that the treaty of 1703 can be construed to comprehend the woollen trade of Ireland."

Mr. *Eden* closed this account of facts, by stating that it appeared from the last private letters, that the exclusion of Irish goods had also taken place at Oporto. He now adverted to the treaty of 1703. He said it could not be denied, that in strict language the words of that treaty do not include Ireland by name: it was also true that the export of woollens from Ireland were at that time recently under a prohibition from the legislature of *both* kingdoms, and upon that reasoning Portugal seems now to have conceived, that they were not intended to have been included—but he recalled the attention of the House both to the practice of Ireland in exporting woollens to Portugal for many years previous to the treaty, which brought them within the expression, *as heretofore accustomed*, and also to the precedents stated in a former debate by Sir *Lucius O'Brien*, of many old treaties subsisting, which give a participation of commercial privileges in Portugal as well to Ireland as Great Britain.

With regard to the interest of Portugal upon the treaty, it was difficult to find any which could account for her conduct. It had been attempted by the Abbé Reynal, in his publication to prejudice the Portuguese government against this treaty, and the Frenchman's motives were sufficiently obvious; for his advice tended not only to the preferable introduction of French manufactures into Portugal, but to the exclusion of Portuguese wines from England, and the consequent increased importation of French wines there. It was not to be denied that the Portuguese had for more than a century disposed of the material of manufactures, and also gold in large quantities, in return for the manufactures and provisions of other countries; and that this species of commerce had been carried on so far, even as in some degree to justify Abbé Reynal's assertion that Portugal was both fed and cloathed by her allies. But whatever might be the true cause of the decay of industry in Portugal, the safety and fate of that empire was so closely connected with Great Britain, that however she might be misled for a time, and during the embarrassments of the present war to overlook the regards due to the British dominions, yet the time must come again when that illusion would cease. It was also easy to observe through the whole conduct of this negociation, that the restrictions attempted tended not only to injure the commerce of Ireland, but the much larger object of British; as, however it is known that the present Portuguese cabinet is not without wisdom, it must soon appear to them that their interests cannot be safely separated from those of Great Britain.

In considering the conduct to be adopted by Ireland, he desired gentlemen to advert to the state of their trade. The annual value of Irish exports might be estimated at about 3,000,000*l.* the exports to Portugal alone in the year 1781, had been above 250,000*l.* being more than 1-12th of the whole export trade of the kingdom. The more particular examination of those exports deserved peculiar attention, above 220,000*l.* being 5-6ths of the whole, consisting of provisions of different denominations, the remaining 6th part of draperies, linens, shoes, stockings, and other articles. The imports also were very material, consisting of dying stuffs, manufacturing oils, Spanish wool and cotton, pot-ashes in large quantities, and the only sort of salt proper for provisions. As to the last article, the salt of St. Ubes, the quantity imported in 1781, had been no less than 487,000 bushels, and is of a quality so very essential to the provision trade of this kingdom, that it could not be equalled from any other place, and the provision contracts absolutely require it to be used. He observed further, that the import of wines amounted to 50,000*l.* in the same year, which was the only article possible to be excluded without extreme prejudice to ourselves.—The total import amounted to 130,000*l.* and the balance in our favour to 120,000*l.* He stated the trade of former years, in which, though the commerce had been less, there had always been a favourable balance; but said, that the only year which could be taken with accuracy, or as properly applicable to the present enquiry, was 1781, being the only year since the free trade; and also the only year in which the accounts had been kept separate from those of Spain and the Italian states.

Having now stated the history both of the trade and negociation, Mr. *Eden* reminded the House, that he had undertaken to be as forward as any man; and if permitted, the most forward in taking such measures as parliament should think most likely to remedy the present grievance. He said he continued cordial and warm in that disposition, but doubted whether he could with due delicacy be the first to propose any thing, which must seem to imply his own acquittal; for which he chose rather to rest upon the sense of the House. He had, without reserve, communicated the purport of what he had now stated to several respectable friends, and indeed to every gentleman, who had asked him, particularly respecting the progress of the business; if they should continue satisfied both with the conduct of Irish government, and that of his Majesty's ministers, he supposed that they would immediately bring forward whatever proposition might seem best suited to the general situation of his Majesty's dominions, and the particular interest of Ireland. He would readily concur in any thing which might shew activity, spirit and firmness, connected with discretion and prudence. It had long been a binding prin-

ciple with him, that the interests of Great Britain and Ireland were inseparable, that the riches of the one were the riches of the other, and there cannot be in common sense any more jealousy against the principal trading towns of Ireland than against Bristol, Liverpool, or Glasgow. His mind from the first hour of his landing in Ireland, had been invariably employed in promoting, to the utmost of his power, the fair advantages of this kingdom; and he stood in that House as anxious for the wishes of its constituents, as he could be for his own.

Mr. *Fitzgibbon* said, that early in the session, when the Portugal business was first brought before the House, through the petition that is now under consideration, I opposed the motion for going into a committee upon that subject, because I believed that administration both here and in England were exerting their utmost efforts in the way of negociation, to bring it to a happy issue. It appears from all the papers that have been read, and I doubt not that every man who hears me will agree, that I did not misplace my confidence. His Excellency the Lord Lieutenant, the Right Hon. Gentleman on the floor, (Mr. *Eden*) Lord *Hillsborough*, the friend and advocate of this country; in a word, every gentleman that had any concern in the negotiation, entered into it with zeal, and supported it with spirit; but now that it has terminated in a manner contrary to all our wishes, I see great difficulty in applying any parliamentary remedy. If by any bill of resentment we prohibit the importation of Portugal goods, or load them with heavy duties, we provoke the court of Lisbon to retaliate; and it has been shewn by the Right Hon. Gentleman, that the trade with Portugal is of the highest importance to this kingdom, as it leaves a balance in our favour of 120,000*l.* per annum, and of the goods we get from thence, there are some with which we cannot be so well supplied from any other place.—The only way that I can think of to obtain relief, is by addressing his Majesty, and humbly requesting that he will be graciously pleased to assert the rights of his kingdom of Ireland, which in this instance have been grossly violated. We are all agreed that by the treaty of 1703, the subjects of this kingdom have an indisputable right to a trade in woollens with Portugal. Lord *Hillsborough* rested on it; his words are, “I WILL NOT GIVE UP THIS RIGHT;” and it is the business of parliament to support him in this declaration. The most spirited and dignified mode that can be pursued is, to call upon the executive power of the state to support its interest and maintain its consequence: I therefore move you, Sir, that it be resolved to address his Majesty, &c. (Mr. *Fitzgibbon* here read an address, stating the rights of this country, and the injury it had received, and requesting his Majesty would interpose with the court of Portugal in the most effectual manner for procuring redress, and establishing the rights

of his subjects.) After having considered every circumstance of the negotiation, I must observe that I communicated my intention of moving this address to the Right Hon. Secretary, and he agrees in my opinion, that it is the most proper method that can be taken. If the House should be of the same opinion, and agree to the resolution proposed, we may then proceed to examine merchants, or adopt any other measure that can give it strength.

Mr. *Richard Hely Hutchinson* said, that he rose to give his approbation to the address, and to mention to the House his reasons for doing so. He thought it contained a clear statement of our national rights, as far as the present subject extended, and the indisputable grounds on which those rights were established; not resting on the treaty of 1703 only, but on many solemn and explicit treaties, which had received the sanction of four successive centuries—in one of which, that of 1642, there is an express stipulation, that there shall be “a free commerce between the subjects of both crowns in all islands and countries.”—Having stated the rights of the nation, it complained of the violation of those rights, in such firm language, as became the dignity of a free people; and at the same time with that moderation and decorum which were due to an ancient ally of his Majesty's crown. That he considered this address as a just appeal to that power which the constitution vests in the sovereign for the enforcing of treaties, and the protection of the commerce of all his people; we laid our complaint before the throne, said he, with spirit and with temper, and pressed with that earnestness which the subject demanded for the most effectual interposition. If there was any salutary measure more strong than the present, or any remedy more adequate to the injury, he confessed it had escaped his observation. That a prohibition of all trade with Portugal, or of any part of the very beneficial trade, as it appeared clearly to be from the accurate statement of the Right Hon. Gentleman, which we still continued to enjoy with that kingdom, would in his opinion, be a great aggravation of the present evil. He wished to assert the dignity of the nation, without wounding its interest. He said, that the hands of the House were not tied up by the present address; that it was not pledged for any thing, but was fully at liberty to adopt any other remedy, or to pursue any further measures which prudence should dictate, or necessity enforce.

From local, as well as general motives, he said no man who heard him was more sincerely interested than he was, in every thing that affected the commercial rights of Ireland; and no man therefore was disposed to go greater lengths, consistently with our own interests, to obtain redress for a very material injury, and a very great insult offered to this kingdom. That there was another circumstance which made him have particular pleasure in

supporting the address, because it did justice to the zealous interposition of his Majesty's ministers, and placed the blame, where only the blame was due, on the court of Portugal. From the information which the committee had received from the Right Hon. Gentleman, he said, he thought himself founded in asserting, that during the whole of the transaction, not a moment's time had been lost on this side of the water, and that his Majesty's ministers at the courts of London and Lisbon, have acted with equal zeal for the interests of this country; that the ministers of Portugal, at first amused them with hopes, and, as the events of war became unprosperous, harassed them with delays; till at length, after the loss of his Majesty's forces in Virginia, that perfidious court ventured to speak out, and to give a peremptory refusal. He said that the very particular and authentic communications which the committee had received, had thoroughly convinced his mind; and he believed no man could entertain a doubt of it, that his Majesty's ministers had acted fairly and honourably by this country; and so spirited an address from the Commons of Ireland to their sovereign, must satisfy every unprejudiced person, that that House was ready to use every effort to vindicate the rights of their country, and had the firmest reliance on his Majesty's royal interposition to enforce the just claims of his people of Ireland. For these reasons the address had his warmest approbation.

Sir *Lucius O'Brien* said, he thought the statement which the Right Hon. Gentleman had made of the trade between Ireland and Portugal was wrong, as it related to one particular year, and did not give a true general idea of that trade, which if examined for some years back, would not be found to produce 40,000*l.* per annum in favour of this nation, instead of 120,000*l.* which had been stated: Nay, he thought he would be able to shew that in some years the balance was even against us. Why then, said he, does the Right Hon. Gentleman exhort us not to injure the interests of the country? We injure her interests when we desert her rights.—This is the first question between Ireland and other nations that has come before the House; and as we act with vigour or with languor in this, we may expect to see our claims in foreign courts established or despised. For my own part, I do not think the address proposed, contains sufficient spirit; there is in it a languor, a timidity that crouches under insult.—I had drawn up one, which I hoped the House would adopt, and which I will now read, and submit to the consideration of gentlemen—(Here Sir *Lucius* read his address, which set out with stating the rights of this country to a free trade with Portugal—mentioned the violation of those rights, and called upon the sovereign to do the nation justice.) It concluded with those remarkable words: “And we doubt not that this nation has VIGOUR and RESOURCES

“sufficient to maintain her rights, and astonish all her enemies.” When England, he said, was insulted by the court of Spain, in a similar manner, negotiation continued for two years, and might have continued to this hour, if parliament had not interfered, and by a spirited address, brought negotiation to a happy issue.—The court of Spain did not think the nation in earnest, till parliament interfered; nor will the court of Portugal believe the Irish parliament serious, if we proceed in the languid manner proposed by the Hon. Gentleman (Mr. *Fitzgibbon*.) Indeed we should have addressed the very first day of the session, and not have entered into a tedious negotiation.—As to the matter in which that negotiation has been carried on, it appears that our sovereign has deeply interested himself in our behalf, and that his Excellency the Lord Lieutenant has been our zealous friend.—As to the Right Hon. Secretary, the papers that have been read, are the highest eulogium on his conduct; but the vigour and exertion of parliament is necessary to support their efforts. Had we the first day of this session presented an address similar to that I now offer, Portugal would not have presumed to commit the most flagrant violation of rights that was ever heard of among civilized nations. The court of Lisbon would not have ventured to confiscate our goods, and distribute them amongst her beggars.—He then went into the *detail* of the trade between Portugal and Ireland, to shew that we could get the articles we received from her in other countries; but that Portugal being fed with the provisions of Ireland, must perish if our ports were shut against her for six months.

Mr. *Brownlow*.—I wish it was as easy to point out a remedy, as to perceive the injury the nation has sustained. The Lord Lieutenant, it appears, has acted in the most proper manner; in this he has been ably seconded by that friend of Ireland, Lord *Hillsborough*; and he has received great assistance from the Right Hon. Secretary; but all their pains have proved ineffectual, and negotiation is at an end; no man then can look upon the present address as an adequate remedy. Why address his Majesty to negotiate, when we are told that negotiation is at an end? Besides, if you throw this business again upon his Majesty, how can the House hereafter take it up, or come to any coercive regulation with regard to the trade of Portugal? I am therefore for considering how far it is in our own power to resent the insult that has been offered, either by commercial regulations, or a total prohibition of the Portugal trade. It is allowed that this country has a monopoly of the provision trade, that Portugal cannot exist without it, and therefore it is surely worth considering how far we can do without the wines and other commodities of that country.

Sir *Lucius O'Brien* said, that the trade of Portugal to this country was not a favour done us; but we acted so favourably to

them, that Irish bread was eaten in Lisbon cheaper than it could be eaten in Dublin, through the operation of the bounty on corn exported. He said that the nation ought not tamely to bear the insult she had received; that in all her wars, in all her distresses, we had faithfully assisted England; that we should now call for assistance in return, and that the hereditary revenue ought now be applied to the use for which it was originally granted—the protection of our trade.

Mr. Ogle said.—Mr. *Chairman*, I do declare that I never came into this House more undecided upon any question, than upon that which now lies before you; and such is the difficulty and delicacy of its nature, that though I have heard a variety of sentiments, yet none have been offered that I think I can be decided by. The Right Hon. Gentleman who so ably stated the negotiation that has been carried on in order to obtain redress, and who has so fully entered into the subject of the trade between Portugal and this country, declares that it produces 120,000*l.* per annum in our favour, while an honourable gentleman, of whose commercial knowledge this House entertains an high opinion, declares that the balance in our favour is very trifling, nay, sometimes it is a losing trade. I cannot pretend to say, which of those gentlemen may be right, but while it remains a doubt, I think the address too hasty.

I think the address should be withdrawn, and that we should enter into a close investigation of the subject. Let us examine the merchants at our bar, and then let us determine upon proper measures. I do not say that an address should not be presented, but if it be the result of deliberation, surely it will have more weight; and a single day is not sufficient to deliberate and decide upon this subject. I own I am inclined to resentment. I think it a disgraceful thing, that an old woman and a parcel of PRIESTS should insult this country, and burn our goods by an *auto de fe*.

Sir J. *Blaquiere*.—I think the address proposed as a remedy to the insult received, not only inadequate, but in the last degree humiliating. I congratulate the House however, that this kingdom has at length obtained importance sufficient, to have such an object to encounter and to discuss. I agree with the committee in the general terms of approbation they have expressed with respect to the conduct of the king's ministers, both in England and Ireland. They have done their duty; let us now do ours. But what are we about? not he hoped, to adopt the address proposed, which was rather an elegant little essay on the commercial interests of Ireland, than the becoming language of a firm, but an injured people.

With respect to Portugal, he laughed at the idea of importance that had been ascribed to that kingdom. He went largely into the state, commercial and political, of Portugal; that she carried on a

losing trade with all the world, except England and Ireland; that we were the only people on the face of the earth, to whom she did not pay in specie the balance of her trade; that we took three-fourths of her wine; we sent her the necessaries, and took in return the superfluities of life:—that it was idle to think she would quarrel with England; from whom was she to expect support, would she call in the French or the Spaniards? The hour she did, she became a province to Spain. The English once called in the Danes, and every body knows what followed.

He put in a very strong light the different conduct of the two nations. When God afflicted that people with such a convulsion as shook the physical existence of the country, the ocean was covered with the fleets of England, freighted with corn, treasure, and every want of life, to relieve their necessities. But when Providence for our sins, our insolence, or our follies, was pleased to visit us as she has done, the court of Portugal comes with claims of exceptions to treaties which are not founded, and takes that moment to deny rights under which she has not only acquiesced, but by means of which she has obtained even her existence for near a century. He shewed clearly that neither the merchants of England, or the factory at Lisbon, could have an interest in abetting this proceeding; that it originated alone in the cabinet of Versailles; that it was France, and not Great Britain, which feared the rivalry of Ireland; and justly feared it, as we should carry up to Lisbon and the Mediterranean, the very commodities which France, not England, carries there at present.

He entreated Gentlemen not to make this an affair of party; the commercial interests of the kingdom depended upon it. Let the representatives of the people of Ireland do their duty, as the king's ministers had done theirs; let them speak with a bold but becoming language, and strengthen the hands of those who seemed so well disposed to serve them. A fleet was then going to the relief of Gibraltar, let the ministers of England be enabled, by the unanimous resolution of the parliament of Ireland, to order it to stop in the Tagus, and ask for an explanation of the treaty: Sir John Norris did it, we all know, once before, and we all know, with what effect:—nor can there be a doubt remaining with respect to the inclination of Portugal; it is her interest to befriend us; and in her humble weakness, she only wants to be forced to do so.

Sir *Hercules Langrishe* said, the question was not only the most important, but the most difficult of any that in his recollection had been brought before the parliament of Ireland. Every body agrees as to the *evil*, but it was not so easy to agree upon a *remedy*. He therefore hoped that our not agreeing to violent measures, would not be construed into an insensibility of the evil, or an indifference to the prosperity of our country. That on a ques-

tion which concerns the trade, the hopes of Ireland, he was confident no man would for a moment suffer himself to be under the influence of any *authority* on one side, nor of any *intemperate ardour* on the other. Popular feelings may be too warm, court discretion may be too cold—let the House interpose between the extremes, and take the course that wisdom and moderation shall point out. If gentlemen would patiently and impartially examine the address proposed by the Hon. Member, they would find that it very successfully, and very fully pursued that idea. He said, that a gentleman did injustice to the address, in saying it was cold and ineffectual—it was no such thing!—it was ardent and decisive, and worthy of the spirit of the gentleman who introduced it. Another gentleman said, “after we have been told that negotiation is fruitless, this address does no more than refer us again to negotiation.” That was not the case!—that was not the import of the address!—the address was decisive. First, it expressed our *rights*, and the solid basis on which they are founded:—It expressed the violation of those rights:—It expressed our resentments, and all those in terms as clear and confident as any in the English language. It applied then to the executive power, not to negotiate, but for his interposition and effectual efforts.—It called upon the *executive power*, which is not only entrusted by the constitution with treaty and negotiation, but is also the arbiter of peace and war. It applied to every faculty of the executive power, to be effectually exerted as far as may be necessary to the restoration of our rights; which may extend to every exertion, even to open hostility.

He rejected the idea of raising the duties on Portugal wines as a measure of *resentment* not *remedy*—despair, not hope.—He was glad the time for laying duties was past, lest pride or passion should induce us to take a step that would at once throw us out of any claim to the Methuen treaty:—That prohibition of commerce was likewise in our power; but should be well weighed, before adopted. He stated something of the importance of the Portugal trade which was undisputed, and endeavoured to reconcile some apparent differences in the state of it, made by the Right Hon. Member (Sir *Lucius O'Brien*). And, on the whole, concluded, that we could not go further than this address pointed out, unless we went to an absolute requisition of war; and though that may possibly be the result, at some future time, if finally all negotiation shall be fruitless, yet no man will say, that this is the particular time to press on England to new hostilities, when we know if Portugal should exclude us, we should not have a port almost in Europe to give shelter to our fleets—not one from the Baltic to the Mediterranean—When there seems a combination in the world against us, and when human wisdom is scarcely equal to decide whether it would be *rashness* and *ruin* to prosecute, or

despair and degradation to relinquish our just rights and antient possessions. He observed, that under those circumstances, we should consider well before we plunge ourselves into another war; and that if rational resentment is to be satisfied, we may chuse some future time more suited to such a purpose.

Mr. *Forbes*.—Sir, I consider the address now before you, not so much as an address of form, but as the REMONSTRANCE of a GREAT PEOPLE, whose rights have been shamefully violated; which remonstrance is not only to be presented at the throne of our own sovereign, but will be handed to the court of Lisbon, and published through all the world. I do not wish to throw the least censure upon the British, or upon the Irish ministry; though it is certain, that in the treaty of seventy-nine, and in the last session of the English parliament, when Britain removed the embarrassments which the act of navigation had thrown in the way of the Portuguese, some notice should have been taken of Ireland, and of the very great change that had been made in our situation; a change of which even the consuls resident in the different ports of Europe had no information.

Our right to the trade which Portugal, in violation of every treaty, has now prohibited, has not been, nor can be denied; and if the ministry of Portugal wish to trifle with the rights of Ireland, it is our duty as it is our interest to strengthen the hands of the king, that redress may be obtained; I am therefore for acting with that ardour, which procured to us a free trade, either by adopting the amendment proposed, or by immediately entering into an examination of merchants at our bar, and having fully investigated the subject, proceeding with that dignity and spirit which the importance of the subject demands.

Mr. *Montgomery* (of Cavan) was of the same opinion.

Mr. *Daly* thought the address necessary in the first instance—the House might afterwards proceed to the examination of merchants at the bar.—This, he said, would give the address weight when it should be known that parliament not only asserted the nations right to the trade now interrupted—complained of the violation of the right, and called upon the executive power to maintain it—but was actually engaged in examining the subject in the closest manner, and deliberating on the most spirited and vigorous measures for obtaining redress.—He said that Portugal, though truly insignificant as to itself, yet could by breaking with England, do her more injury than any other state in Europe; for if her ports were shut, we should not have a single friendly harbour from the Mediterranean to the Baltic.—And though he was for prosecuting the business with the utmost vigour, yet if Portugal was so ungrateful as to quarrel with her old and faithful friend, or so weak and impolitic as to be influenced by French councils, he would not indulge her with decid-

ing the question at the very moment she wished, at the very moment we could assert our rights with least advantage.

Mr. Ponsonby jun.—I understand, Sir, from the great number of papers that have been read by the Right Hon. Secretary, and which I consider as official information, and from what has been delivered to the House by other gentlemen, that the court of Portugal refuses to comply with treaties which entitle this country to a free trade in her ports: I also perceive that there are two methods of obtaining redress, submitted to your consideration—The first is the address proposed by my Hon. Friend, Mr. Fitzgibbon, in which the national rights are asserted, the violation of their rights complained of, and the executive power is called upon to use the most effectual means for obtaining our just demands. The other mode is that proposed by the Hon. Baronet, Sir Lucius O'Brien, in which we pretty plainly desire our sovereign to commence a war on Portugal, and tell him, “that we have such resources as will astonish all our enemies.” Now, Sir, suppose the House should comply with this latter mode, and that our sovereign should determine to act as is desired, it is very natural to think that his minister would call upon the Irish parliament, and say, Gentlemen, we have begun a war at your request, it is now necessary that you should open some of those astonishing resources you have mentioned: You have a powerful navy no doubt—No, we have no navy—but then we have astonishing resources.—Well then, if you have no navy, perhaps you have seamen to man one, if England was to furnish the ships. No, we have no seamen but those who are already on board the British fleet; but then we have astonishing resources.—Certainly then you have great plenty of money, which is the sinew of war; and this you will disburse freely if we enter into one on your account. No, we have no money, indeed we are deeply in debt, scarcely able to pay the interest; but then we have astonishing resources.—It is wonderful with what ease gentlemen talk of plunging their country into a war—the Americans were to have been subdued in one campaign—France undertook to support them—France was nothing, we always beat the French. Spain was added to our enemies—we are superior to the whole House of Bourbon; the Dutch confederated against us—tut! the Dutch are despicable—we will blow them off the water. But after all this boasting, things turn out a little contrary to our expectations, and now, without fleet, without seamen, without money, we are going to make war upon Portugal, because we have astonishing resources. However, Sir, as I am not acquainted with those resources, I must differ from the Hon. Baronet, and support the address, as moved by my Hon. Friend; because it leaves in the hands of his Majesty a power of pursuing such effectual measures as wisdom may point out.

Mr. Grattan.—If the address proposed any measure consistent with the dignity of this House, and competent to obtain redress for the insult this nation has sustained, it should have my warmest support; but as it only advises to renew that negotiation which has already proved ineffectual, I cannot concur in it, after every man concerned in the negotiation, has exerted himself to the utmost, and hopeless of success, has relinquished the pursuit. After the Right Hon. Gentleman on the floor (Mr. Eden) has been pleased, with great candour and with great ease, in a speech more than two hours, to explain to the House from a most voluminous collection of letters and of extracts of letters, the different circumstances of the negotiation; and finally, after he sat down, declaring that he would leave the House to decide in a matter of such infinite importance and difficulty, a ministerial address makes its appearance, not from him but under him—an address the fruit of his mind, not of our deliberation; and we are to cloath it with the approbation of this House. Why did not the Right Hon. Gentleman himself propose the address, if he thought that the House had a sufficient time to consider the papers which he stated to them; and I am willing to believe fairly stated? But can we be sure of this? Can we come to a resolution on a business of such importance, from hearing a parcel of letters read by a Lord Lieutenant's Secretary? Would a man who is under that Secretary submit to do so? But surely we who are at least his equals ought not submit to it. When business of great importance has heretofore been agitated in parliament, every necessary paper has been laid before the House for the inspection of the members; but we must now content ourselves with hearing the Secretary read such extracts as he thinks proper to communicate. What will England, what will Portugal think of a parliament so very obedient to ministers? Our remonstrances must have very great weight indeed!

The idea of redressing ourselves by war has been turned into ridicule, a long system of trade has been opened, from which it is said we can have no relief, and negotiation has proved ineffectual. How then shall we proceed? Would not you wish to examine the merits of this business? Won't you examine and know your own strength? Won't you enquire what ministers have done for you, or what you can do for yourselves? And will not gentlemen freely give their opinions, when they consider it is not a government question? It is a question between Ireland and another country.

As to the address itself, it is languid, spiritless, and undignified; and in one part, where it speaks of the prosperity of our trade, it is a vile coquetry with the crown; it is absurd, as it desires the sovereign to negotiate, after the Right Hon. Gentleman has told you that negotiation is at an end; and besides, there

is a ministerial poison through the whole of it which taints the purity of a national act.

Mr. *Toler* said, the purpose of an address to the crown was not to investigate the items of the Portugal trade, it was to assert the indisputable right of Ireland. Since the violation had come authenticated, I hope that we shall not depart without agreeing to such an address, as is suited to the magnitude of the occasion, and to the dignity of the House; and that may appear not only a just assertion of our rights, but as an instance of that temper which best indicates firmness, either in an individual or a nation. It could not remain a question but that we had a right to participate of the commercial treaties made by our common Sovereign, in whose treaties of peace we were included, and in whose war we were involved. There have been solemn decisions on the subject; and particularly after the peace of Utrecht, when the respective Commissioners of England and France established an authority in the point.

But gentlemen have talked of procrastinating the time of addressing, until a committee has been had to examine into the Portugal trade. I was in hopes that after the intelligence we have received, this House would have felt an instinctive impulse that would have roused us to vindicate national honour, rather than look for a tedious examination of merchants about St. Ubes salt, and ashes from Barilla. The situation of our trade and the dependency of our manufacturers have been alluded to by the gentleman who spoke last, as in a state of unprotected humiliation; and as if we were going back rather than advancing.

We certainly are affected by the common calamity. But the business in which we are engaged this day should elevate us to an opinion of our own consequence. We are now for the first time engaged in discussing the rights of Ireland to the benefit of commercial treaties; we are almost invited to use the intervention of the crown in our behalf. It was but the other day when the people of Ireland were considered as the instruments of others. They were made use of to fight, but not allowed to conquer; and were sent out to plunder where they never were permitted to trade. The Hon. Gentleman has said that the address is languid, and a mere coquetry with the crown. I think the desiring the crown to use its powerful interposition in the most effectual manner, is dignified in the sentiment, and manly in the expression.

But the Honourable Gentleman has fastened on detached passages of the address, in order to found his general assertion. I remember that in one of Hogarth's prints, where a number of figures are represented, differently employed, there is a Devil in the corner that has torn a bible to pieces, and is engaged in putting the fragments together in his own way, so as to constitute the most palpable blasphemy.

But what has the gentleman offered to substitute in the room of the address which is propounded? The other, which appeared for a moment, has been consigned to a pocket, and no alternative is offered.

Si quid novisti rectius istis

Candidus imperti, si non, his utere mecum.

Mr. Buxton.—In my opinion there are but two lines of conduct which we can pursue. The one is to move an address, requiring immediate hostilities with Portugal; the other is, to agree to such an address as is now proposed to us, and afterwards to consider whether we shall enter into commercial regulations expressive of our resentment against that kingdom. And I think we are ripe to decide upon the merits of these measures now. We have long been apprized of the only parts of the evidence which are necessary for our forming an opinion, to wit—That a protracted and equivocal negociation on the side of Portugal, has terminated in a decision against us. In the beginning of last summer, she used the very same arguments which she has now recourse to; but though equally capable of deciding then, she thought proper to protract the negociation. In the beginning of winter the matter was referred to Mons. Pinto, and in the middle of winter, the court of Portugal seem to disavow the powers they gave him, and have themselves returned a definitive answer. The motives for this conduct are pretty intelligible; whilst there was a prospect of mediation and negociation, tending towards a peace, Portugal was unwilling to refuse, what she knew that she must yield if a peace should be agreed to between England and her enemies. But now she finds there is no likelihood of that event, and being instigated by the House of Bourbon, encouraged by two new treaties she had made with Russia and Prussia, and emboldened by the distressed situation of Great Britain, she thinks this the most favourable moment to bring this matter to a crisis. For that very reason, it is the most unfavourable one for us to do so. To what purpose do gentlemen argue that Portugal is acting against her own interest in refusing our goods? It is very true, that she cannot manufacture them in sufficient quantities herself, and therefore the Abbé Reynal advises them to admit as many sellers as she can. But we are to judge of the sentiments of Portugal, not by the arguments of others, but by her own conduct; we see that she is not convinced by the learned Abbé, and does not admit the woollens of his countrymen on the same terms as those of Great Britain. It is clear therefore, that Portugal does not wish to extend the terms of the Methuen treaty to any other nation, but to encourage her own infant manufactures; at least she would gain from us some new advantages for any thing that she will yield to us, and she would rather admit our goods as a matter of favour than a matter of right, that she may have it in her power to exclude us, whenever her

own manufactures shall increase. This is her policy, and therefore we ought immediately to assert our right, as is done in this address, and to convince her of this truth—that we never will recede from it as a claim of right, or submit to open any negotiation on the subject.—Thus she will see that any temporary inconvenience has no effect upon us, and that if we abstain from hostile measures for a time, it is only that we may have recourse to them when it shall be more convenient to us. The effect of this conduct may be immediate, for as she will plainly perceive that we are only waiting for a proper season to assert those claims from which we will never recede, and as she knows the time will come when she *must* yield to power and justice united, she had better do it at once and with a good grace. All this is done by the address, which contains every thing short of an advice for immediate war. After this it may be proper to consider of commercial retaliation, and to shew, that though we have agreed to this address, we do not mean to let the matter rest there.

An Hon. Baronet observes, that many of the articles imported from Portugal are not Portuguese, but of Spain and other countries, and therefore the Portugal trade is not so important as it seems to be by the papers which have been read to us.—What he says is very true, but it makes strongly against him, for it shews that the importance of the Portugal trade is temporary—that at present it is of unusual moment, but when peace shall be concluded, we may quarrel with Portugal with very little injury.—What then does he advise us to do? To quarrel with her at the only time in which the interruption of her trade can hurt us, instead of leaving it to his Majesty's discretion to chuse a time more favourable; we are to urge the business to its crisis, at the very moment when the trade of Portugal is necessary to Ireland, rather than that in which our trade shall be of importance to them, and theirs of less consequence to us.

Consider what is, and what will be the situation of Portugal—weak as she is, she is at present courted on all sides; but if the family compact shall continue after the next general peace, she will be in greater danger than ever she was, for their power is on the increase.—She is placed in the very jaws of the House of Bourbon, and if that house has any ambition, in this age of partition, treaties and revolutions, there is none so feasible as a partition of the dominions of Portugal—the Brazils to France, and Portugal to Spain.—It is admitted, that our ministers have proved their sincerity to us; we may, therefore, rely upon it, that at worst we shall suffer but a temporary inconvenience; and we shall in the end obtain justice from a country which will depend upon Great Britain, not for its prosperity, but its preservation.

Mr. Metge said, he acquitted every person concerned for Ireland, from any blame for the ill success of the Portugal negotiation,

but he thought the address, though otherwise unexceptionable, premature. He wished first to go into an investigation of the business, from the result of which, an address or any other proper measure might be formed.

Colonel *Cunningham* was for the address. He said he thought the Hon. Gentleman who had communicated with the minister, and had formed the address from information and knowledge of facts, had acted much more wisely than the Hon. Baronet, who had formed his without any information at all.

Mr. *Fitzgibbon*.—In the beginning of this session, when ministers were negotiating our business with Portugal, we were told in this House that we should immediately address the crown; that a moment's delay was injurious to the nation, and unbecoming the dignity of parliament; and now that negotiation is at an end, we are to proceed slowly and with caution; we desire not to form an address 'till a committee shall tell us it is expedient. It would be very hard to account for this conduct indeed, had not an Hon. Gentleman on the floor, let out the secret—the minister has been consulted, and therefore it must be opposed.

For my part, Sir, as I am not brought into this House *the puppet of any man*, but stand here a free agent, I shall do my duty, not regarding the judgments of men who are uniform in opposition, or of them who uniformly support government; neither do I much regard the abusive terms that have been applied to the address—*vile, languid, undignified*—because they are words that any body may apply upon any occasion; nor is the address injured by being called an Essay on Commerce, since it is on a commercial subject.

Gentlemen complain that they have not had sufficient time to consider the papers read to the committee. I stated, when this business was formerly before the House, and the Right Hon. Secretary requested to have it put off 'till the result of the negotiation should be known, that in confidence of his integrity and ability, I did consent to postpone the business. I afterwards heard that the negotiation had not turned out to our wishes, and I then thought it my duty to wait on that gentleman, and make strict enquiry into the cause of its failure. I found that I had not misplaced my confidence—with the utmost candour he submitted all those papers, and every necessary document—and it clearly appeared that the court of Lisbon only was liable to blame.—I will now support the address.

Mr. *Flood* offered some amendments; which were agreed to. The address was then reported, and it passed the House unanimously.

The following is the address, together with the Lord Lieutenant's answer.

To the KING's most excellent MAJESTY.

The humble ADDRESS of the KNIGHTS, CITIZENS and BURGESSES, in Parliament assembled.

" Most gracious Sovereign,

" We, your Majesty's most dutiful and loyal subjects, the Commons of Ireland in Parliament assembled, beg leave humbly to approach your Majesty with sincere professions of that zealous loyalty which will never cease to glow in our hearts, and which we trust will ever distinguish the character of your faithful people of Ireland; and to assure your Majesty that we possess an entire reliance on your paternal protection, which has been happily exerted, during the course of your Majesty's reign, in promoting and establishing the prosperity of this kingdom.

" With painful reluctance, therefore, at a time when your Majesty's attention is engaged in the most momentous concerns, we yield to the necessity of laying before your Majesty, a subject which deeply affects the commercial rights and interests of your Majesty's kingdom.

" Founding our claims upon the faith of treaties, and desirous to promote all the reciprocal advantages of commerce between this country and the subjects of your Majesty's antient and faithful ally, the Queen of Portugal, we considered that kingdom, in our commercial regulations, as the most favoured nation, and, by acts of parliament, gave to the wines of Portugal that advantage over the wines of France, in the imposition of duties, which is described in the treaty of 1703; expecting, from the justice of the court of Portugal, that woollen manufactures sent from this kingdom, would, in consequence, have the same admission which is given to those imported there from Great-Britain.

" We rested this most reasonable expectation not only on the construction of the treaty above-mentioned, but on the letter and spirit of many antient treaties made between your Majesty's royal predecessors, and the court of Portugal; and we hoped for a common participation with your Majesty's subjects of Great-Britain, in every branch of commerce with Portugal; which, 'till now, has never been denied to us in that kingdom.

" With much surprize, therefore, we have heard that the entry of our woollen manufactures and printed linens had met with some obstructions at the port of Lisbon.

" Nevertheless, being satisfied that the zealous and repeated requisitions of your Majesty's ministers, strenuously urged, and in a cause so evidently reasonable and just, would be attended with success, we have hitherto refrained from resenting the injury, by commercial regulations restrictive of the trade of Portugal, and by such other effectual means as the honour and indispensable rights

of this kingdom may demand. Nor would we then disturb your Majesty's attention, by an address on the subject. But, if we are now to understand that it is the determination of her most Faithful Majesty, to exclude your Majesty's subjects of Ireland from the benefits of the treaty of 1703, or to refuse any relief in respect of the printed linens of this kingdom, it is become our duty to resort to your Majesty's protection, and powerful interposition, that our manufactures may not be excluded from the ports of one of your Majesty's allies; which must at all times be grievous, but particularly so when the common calamity of war has prohibited our commercial intercourse with so many other states.

"We beg leave, therefore, to approach the throne, earnestly recommending our cause to your Majesty's unremitted attention, and unabated efforts; and we entreat your Majesty to interpose your royal influence with the court of Portugal, in the most effectual manner, that the obstructions to our trade may be removed, and that we may be restored to those commercial rights to which we are entitled."

THE LORD LIEUTENANT'S ANSWER.

"Every subject which regards the trade and commerce of this kingdom, must necessarily demand my utmost attention and vigilance.

"I will, without delay, transmit this dutiful address to be laid before his Majesty."

At a very late hour, after the address had passed the committee of the whole house, and had been reported, and many of the members were gone, Sir *Lucius O'Brien*, after a preparatory speech, in which he pointed out the advantages that would result from an examination of every paper that had been read by the Right Hon. Secretary, moved, "that the several documents, whether letters or other papers, relative to the Portugal negociation, read to the committee by the Right Hon. Secretary, be laid upon the table for the inspection of the members."

In opposition to this, it was urged, that the motion was in itself *informal and out of order*, as a committee of the whole House had not power to receive such written evidence as the Right Hon. Gentleman had read unto them in any other sense, than as a part of his speech; that as such, it would be absurd to order it to lie upon the table; and they might as well order the speech of the Hon. Baronet to lie there. Besides, it was said, that the motion was not seconded. Upon this, a gentleman seconded Sir *Lucius's* motion.

The *Speaker* declared the question out of order, and the House almost unanimously expressing the same opinion, the *Speaker* declared he would not put it.

THURSDAY, FEBRUARY 7.

The *Speaker*, in the most plain and unaffected manner, related the transaction which happened the day before. He said, there might be questions proposed and seconded, which it would be the duty of the *Speaker* to declare his sense, whether they should be put; that in such a case it was his business to declare *the order* to the House, always subject to its controul. In the case now related, he had acted in that manner—he had declared the question proposed by the Hon. Baronet, out of order, the House almost unanimously concurred, and therefore he had, in concurrence with the sense of the House, declined to put it. This he now submitted to the House, by whose opinion he was ever ready to regulate his own.

Upon the *Speaker's* sitting down there was an universal cry of chair! chair! and the House seemed perfectly satisfied with his conduct.

Sir *Lucius O'Brien* rose, and after many strong expressions of personal respect and esteem for the Right Hon. Gentleman who so worthily filled the chair, he endeavoured to support the propriety of his own motion, on the principal that a question moved and seconded, must be put. This produced a conversation, in which the *Provost* and Mr. *Flood* spoke.

In the conclusion it was settled on the principle declared by the *Speaker*, that it is his duty, in all questions of difficulty, to explain the point of order, always subject to the controul of the House. About five o'clock the House adjourned, perfectly satisfied.

FRIDAY, FEBRUARY 8.

The House met, but did not proceed to any business.

SATURDAY, FEBRUARY 9.

The bill from the Lords, for the improvement of Dublin, was read a second time.—Several other bills were read.

MONDAY, FEBRUARY 11.

The *Speaker* having taken the chair, Mr. *Gardiner* moved, that the order of the day for going into the Roman Catholic bill should be discharged, and that the business should be fixed for Thursday next.

Sir Richard Johnston said, he wished to defer it to Friday.

Mr. Rowley said, that he preferred Friday, and was glad of any circumstance that looked like a delay of this business, which he thought was hurrying on with too much precipitation. He was, he said, an enthusiast in the cause of toleration, and wished to give Papists every toleration in the power of the House to grant; but he would still retain that power, and not make such a violent change in the constitution; and, therefore, he thought this day two years would be time enough to enter on the subject.

TUESDAY, FEBRUARY 12.

Mr. Flood moved for leave to bring in heads of a bill for regulating the corn trade.

Mr. Foster informed the Hon. Gentleman that a committee was sitting on that subject; that they had made considerable progress, and recommended the receiving of their report (which would be ready in a very few days) before those heads of a bill should be presented. He said that it was necessary to use great caution in guarding against the many frauds that had been practised; and as the bounty on exportation and that on land carriage were so interwoven, it was absolutely necessary to consider them together.

Mr. T. Burgh (of Oldtown) supported this opinion.

Mr. Flood said, that the committee had been sitting since before Christmas; that in expectation of their report he had deferred presenting his bill, but that he thought it unsafe to defer it any longer.

Mr. Beresford said, that the frauds which had appeared to the committee were so great and numerous, in obtaining the bounty under the present laws, that it was absolutely necessary they should have a convenient time to investigate the subject, and provide a remedy against such abuses in future.—It appeared, he said, that in some instances the bounty had been three times, and in many twice received; nay, that corn which had received the bounty as brought coastways, received the land carriage bounty also; and therefore till some provision was made against such enormous frauds, which he thought could best be done by the committee, he was against receiving the bill.

Sir Lucius O'Brien.—I agree with the Right Honourable Gentleman in the propriety of his now presenting those heads of a bill; the nation already stands indebted to him for the first corn bounty act, and he has corrected that which he now presents by the English acts made for the encouragement of tillage. In my opinion, the land carriage bounties, and the bounty on corn exported should not be blended together, but kept separate and dis-

tinct. We were told last session of guarding against frauds, but this guarding against frauds was the taking away of a part of the bounty which had operated so much to the national good, and the loss of which caused so much discontent, especially in the remoter countries; besides, it may happen that if we delay this business, the session may pass away, and while we are debating on a new bill, we may lose the invaluable blessing of the old.

Mr. *Daly*.—I was last session an enemy to lessening the bounty, I am still of the same mind, and shall ever be an advocate for continuing it; but I think it would manifest great inconsistency if the committee should make their report till they had proposed some remedy to the frauds which have been discovered: a week, which is the time desired, cannot in any wise endanger the bill.

Mr. *Flood*.—I perceive that the intention is to spy into the bounty laws with a *Lynx's Eye*, to find out what part of the money may be laid hands on; this was done last session, and I now call upon the representatives of the people, now that our trade to the West Indies is ruined, and our trade to Portugal prohibited, that they will not let the country lose the benefit of this law, so essential to its prosperity; that they will not make this session of parliament memorable, for undoing every advantage and repealing every benefit that have been obtained by former ones. Did any man suppose there would not be frauds? But are we for this to lose the benefit of the law? I hope the House will not think such trifling matters an evil, that may be compared with the source from which the bounties arise being seized into the hands of ministers, who will thereby have a still greater and perpetual increasing fund to maintain a perpetual and increasing army. I must therefore urge the necessity of now receiving this bill; if necessary, any clause may be suspended for a few days.

Mr. *Foster*.—The Right Honourable Gentleman seems to think that there is a latent intention to discontinue the bounty, and apply the money appointed to pay it to other purposes; but I know, and am confident that there is no such intention entertained. On the contrary, he will find that it is intended to give the utmost encouragement to the agriculture of this kingdom; but the land carriage bounty, and that on exportation are so blended together, that you cannot improve the one without improving the other; for this purpose the committee are now sitting, and the House is moved to precipitate this bill without receiving their report. Does the Right Honourable Gentleman imagine that it is the interest of any man to injure the corn trade of the kingdom; that trade by which his rents are to be paid? It is an idea that cannot be entertained.

The *Recorder*.—Against giving any delay to the bill, he said, in about a month the circuits begin, and many gentlemen will be out of town, so that the sense of the people's representatives cannot then be so well taken. It is true that almost every commission produces indictments for perjury, on account of the bounty; but the ABUSE of a law can be no argument against its USE; and though parliament should sit for ever so great a length of time with the greatest care to contrive laws for preventing frauds, yet bad men would be full as assiduous, and possibly as successful, in contriving means to evade those laws.

Mr. *Mason*.—The Hon. Gentleman who moves for leave to present those heads of a bill, proposes that one of the clauses shall lie over for some time. Now I cannot perceive if one of the clauses is to lie over, how presenting the bill now will expedite the business; for it cannot go from the committee to the House, or from the House to the Lord Lieutenant in an imperfect state. It is admitted that the Hon. Gentleman was the framer of the bill; but it should be remembered that the House received it with unanimity; and that every gentleman in the House is as much concerned in its safety as he.

I am convinced there never was a motion made with a purer intention than that of my Hon. Friend, (Mr. *T. Burgh*) for a committee to enquire into the corn bounties, and the frauds committed therein; nor was there ever an enquiry pursued with more candour, or on principles of greater public spirit. And I am certain it is the intent of every gentleman to accelerate the business as much as possible, so as to bring it forward in a perfect form.

Mr. *Flood*.—I cannot agree that by leaving one clause of the bill undetermined, we do nothing; nor am I thoroughly convinced, that the committee are amicable to this law; on the contrary, I fear they will prove inimical. People may say, that they who vote for an amendment against the free trade, were as much friends to it, as they who voted for it—but will any body believe them?

It is said, that there is no intention of taking away any part of the bounty; but I deny the fact; it is the poor despicable object of every administration; and I am not sure, but that the person who framed the bill, is on that account looked upon with a jealous eye.

Mr. *Bushe*.—This is certainly the most extraordinary subject that ever was debated with warmth or tenacity. One party of gentlemen are for deferring the bill for a week: another party insist on three days. Now, though the delay of a week is immaterial in point of time, it is very material in point of information. But this delay is refused, because it is suspected that government will enter into the bill with more than honest industry; and therefore we

will not allow them time. Besides, it is feared that this bill may be lost if connected with that under the committee's consideration; but if the gentleman desires it to pass, it is more wise in him to connect than disjoin them. He is also afraid the session may slip away before this bill passes, and therefore he urges it now; because there is great danger that the session will end before the revenue bill is passed.

Mr. *Burgh*.—The Honourable Gentleman seems to think that the committee have no intention of reporting at all; but I pledge myself that I will report from the committee in one week. He thinks there is a design to injure or destroy the bounty laws; but as in my character he has not the smallest ground for such an opinion, I shall take no notice of it, but pass it by in silence. It is said this city would be much injured if the bounty laws were removed, no doubt it would, and so would the whole kingdom. But what injury would it suffer by frauds being prevented?

Mr. *Colwill* spoke to the necessity of preventing the shameful abuses that had been made of the bounty laws, and gave as his opinion, that this being under consideration in the committee, the House should wait for their report.

The question was put, "that heads of a bill for regulating the corn trade be brought in this day se'nnight."

Ayes,	—	—	81
Noes,	—	—	21

WEDNESDAY, FEBRUARY 13.

Mr. *Parnell* said, that as the committee was going to sit on the Revenue-bill, he had in contemplation a scheme for preventing frauds in obtaining the bounty on malt and barley brought to Dublin, which he would submit to their consideration. The whole quantity of malt and barley on which the bounty was annually paid, amounted to 300,000 barrels. The quantity used in the brewery and distillery amounted to 208,000 barrels, so that there was a bounty paid for 92,000 barrels, or near one-third part of the whole, more than actually arrived in Dublin. From whence it happens, that though the whole of the duties arising from the distillery amount to no more than 62,104*l.* the bounties paid for materials from whence those duties are supposed to arise are above 25,000*l.* and in some cases the bounty exceeds the duty, as in the article of small beer.

As this then, he said, is the state of the fact, I hope the House will not think it improper that I should propose a remedy; but as the kingdom has received so much advantage from those bounty laws, and any attempt to alter them will be looked upon with a

jealous eye, I shall not make a motion on the subject, but submit my plan to the House, that they in their wisdom may adopt or reject it.

The average bounty paid upon every barrel of malt and barley brought to Dublin is 2s. 3 $\frac{1}{4}$ d. now I would take away the whole of the bounty, and remit the duties to the distillers and brewers in the same proportion, which would enable them to pay to the farmer just so much increased price for his malt or his barley as was remitted of their duty. By this means the brewer and distiller would in fact pay the bounty; the whole process would be rendered simple, and every fraud to which the present complicated system gives birth, would be prevented. An objection naturally arises, that foreign barley or malt would then supply our markets, as the abatement to the brewers and distillers would operate as much in favour of the foreign farmer as of our natives. But this might be prevented by laying a duty on the importation of foreign malt or barley. But the strong objection to this scheme is, that it would operate against the counties of Ireland remote from the capital. Now I have made the most strict enquiry, and find, that of the whole 300,000 barrels for which bounty is paid, only 77,308 barrels are brought from a greater distance than 47 miles; and that 2s. 3 $\frac{1}{4}$ d. will pay the bounty to that distance; so that abating the duties in the proportion mentioned, there would still be a circle of 94 miles diameter to supply the city, and which would, in fact, receive the bounty as before, through the hands of brewers and distillers. Thus the quantity which would be deprived of bounty for any distance exceeding 47 miles, would be less than that for which the bounty was fraudulently obtained; but if from this you deduct the quantity brought coastways beyond 47 miles distance, which is 55,000 barrels, it leaves but 22,308 barrels; and if of this you suppose one-third fraud or impositions, there remain but about 14,000 barrels, excluded from the bounty, and not from the whole bounty, but only the difference that would arise on the distance of their place of growth, beyond 47 miles from Dublin.

Sir *Lucius O'Brien* said, that the Hon. Gentleman had proceeded on mistaken ground if he took it for granted, that all the produce of the malt and barley which arrived in Dublin paid the full duty; but it was well known that the fact was otherwise, as that voluminous code (taking up the Revenue bill) might witness, and therefore the calculation must be erroneous; besides, a great quantity of malt was used by private persons in Dublin, and the neighbourhood of Dublin, for the use of their families. But the strong objection was, that it would ruin the tillage of the remote counties; it would turn them into pastures, while the neighbourhood of Dublin, would be alone cultivated, and even that reasonable balance would not be preserved, for the corn

brought but one mile would receive as much bounty as that which was brought 47. But he found he was not in the wrong yesterday, in giving the alarm, that something very injurious to the distant counties was intended.

Mr. *D. Daly* supported Sir *Lucius O'Brien*.

Mr. *Parnell* professed the greatest regard and attention to the tillage of this country, but he said that whatever bounty was fraudulently obtained, tended manifestly to the injury of tillage, and therefore the preventing of frauds must be of the highest advantage.

Mr. *Tighe* moved for leave to bring in heads of a bill to perpetuate the act which subjects members of parliament to be sued for debt.

Mr. *Flood* said, he had no objection to the bill's being renewed from time to time; but could not think of making it perpetual. That in England the case was different, for as the royal assent was almost matter of course, that parliament run no risk in having a perpetual bill to the purpose moved, as the parliament could at any time repeal it; but here there were so many bars to the intentions of the House, that if by a perpetual bill their privileges were once given away, they might never be recovered.

Mr. *Tighe* said, he could see no injury to any man in an act to do perpetual justice; the law desired does but subject the property of a member of parliament to his creditors, his person is more sacred than it was before.

Mr. *Ogle* said, he thought it would be wrong for this parliament, by an act, to take away the privileges of the next; he very much doubted their right to do so.

Mr. *Tighe* hoped that no gentleman would come into the next parliament, under an idea of screening his property from his creditors.

The question was put, for leave to bring in the heads of a bill.

Ayes,	—	—	47
Noes,	—	—	89

Mr. *Tighe* then moved for leave to bring in heads of a bill to extend the duration of the former act, for subjecting members of parliament, &c. &c.

Seconded by Mr. *Flood*.

The motion passed unanimously.

THURSDAY, FEBRUARY 14.

The *Speaker* read to the House that part of the act for regulating the trials of contested elections for members to serve in par-

liament, which directs that the day after there has been a general call of the House in order to ballot for a committee to try any election, the clerk shall read over the names of the defaulters or persons who did not attend the call, and that if a sufficient excuse is not offered on behalf of each, and verified on oath, the House shall order him into the custody of the Serjeant at Arms, or inflict such other punishment as they shall think fit.

Mr. *Daly* exhorted the House not to let any mistaken lenity towards defaulters destroy the advantage which should result from that act, and that as this was the first time of the House acting under it, he hoped, by a necessary and becoming severity, gentlemen would be made more mindful of their duty to the public. The first person on the list was the Hon. *H. Seymour Conway*. Mr. *Fitzherbert Richards* offered in excuse for him that he was in England, and had been there for many months.

Sir *Lucius O'Brien*.—The Hon. Gentleman, when he took upon him the office of a member of this House, was well apprized that it was his duty to attend his business in this House, and therefore his chusing to reside in England is no excuse. I hope to see this law made the source of much wealth and happiness to this kingdom: I hope to see it in some measure produce the effects of an absentee law. Gentlemen take great pains to be returned into parliament, and afterwards do not attend even their seats. Do the gentlemen who reside in England think that we are to be hewers of wood, and drawers of water to them? That we are to be members of parliament, justices of the peace, grand and petit jurors, militia men and volunteers, and in a word fill every office necessary to the preservation of those estates, the rents of which they spend in another kingdom? Formerly gentlemen could not absent themselves from their duty in parliament at pleasure. The first volume of your journals proves it. An ancestor of mine obtained leave from the House to go to England on his private affairs, but on condition that if he did not return in a given time, another should be chosen in his place; but of late years things have been in that respect most shamefully altered. I know an instance of a gentleman who had been 22 years a member, and never in all that time appeared in the House but once to vote in an election: This is therefore the time to stop the evil, and I think it should be begun in the case of Mr. *Conway*, who, I hope, the House will fine.

Mr. *Conolly* said, that as he entertained the highest respect for this most salutary law; and as he was unluckily a defaulter himself, he thought it would be highly indelicate in him, or any man in his situation, to sit and vote in HIS OWN CASE; he therefore would decline voting; in this he was joined by every gentleman so circumstanced.

The House then proceeded in receiving the defaulters excuses, and about 50 gentlemen were ordered into custody.

FRIDAY, FEBRUARY 15.

Mr. *Bushe*, after a very handsome eulogium on Sir *William Osborne*, who, when in health, had always closely attended to his duty in parliament, to the great advantage of his country, observed, that through some unaccountable neglect, a proper excuse had not yesterday been made for him, though his health was really so bad, as to render it impossible to attend; he therefore moved that Sir *William Osborne* be discharged from the custody of the Serjeant at Arms, without paying fees.

Mr. *Foster* said, he intended to move for the discharge of all the gentlemen yesterday ordered into custody.

Mr. *Bushe* said, that however other gentlemen might have a claim on the lenity of the House, he, on behalf of Sir *William* demanded but its justice, and hoped he would receive it in being immediately discharged, as it must be painful to Sir *William* to stand in the rank of such as the House had thought proper to punish for neglect of duty.

The question was put, and passed without a negative.

Mr. *Foster* moved, that the several members yesterday ordered into the custody of the Serjeant at Arms, be discharged upon entering their names with the clerk, and paying up their fees to the time of such entry. After some debate the motion was carried.

The order of the day for going into the Roman Catholic-bill was then called for, when Mr. *Mason* observed, that there were two orders for that day—one of them the Revenue-bill—and which he proposed to consider for some time previous to entering upon the other.

Sir *Boyle Roche* warmly opposed giving the Roman Catholic bill any further delay. He took notice of the very slow progress with which it had hitherto proceeded, in order that gentlemen might in the most deliberate manner, consider its merits. Full time he thought had been given for consideration; and now that the public mind was wound up to the highest pitch of expectation, he thought it would be a most inglorious falling off indeed, to shift away the subject, and enter on a Revenue-bill. This was the parliamentary trick he before had apprehended; but hoped the House would not be led into it.

Mr. *Mason* assured the Honourable Gentleman that he did not intend any inglorious falling off; that he was a friend to toleration, and to every denomination of Irishmen. That if the bill intended for the relief of Catholics, appeared to him calculated for the toleration of religion, and the prosperity of this country, he would support it; but if he thought it injurious, he would boldly and openly oppose it, without descending to parliamentary trick or stratagem.

Mr. *Brownlow* would not consent to postpone the bill. He took notice of the eager wishes of the people which had brought such a prodigious throng into the galleries; he thought there would be some degree of cruelty in playing with their feelings, by postponing the Popery-bill, and entering on that for regulating the revenue. Besides, said he, we are honoured with the company of a great many ladies, and shall we treat them with nothing better than whisky?

Mr. *Grattan* supported the motion for going into the Popery-bill; described the delays it had met, and urged the necessity of proceeding in the most candid and liberal manner upon the subject of toleration.

Mr. *Fitzgibbon* said, that till this morning he had never considered the bill as dangerous; but on reading it over carefully, the first clause had struck him as a repeal of the Act of Settlement; the Act of Forfeiture, and the Act of Reassumption; that if so, it must destroy the new titles under the Popery laws, and entangle the whole kingdom in a maze of confusion. He therefore intreated the friends of the bill to agree with him in putting it off, till those doubts which had arisen from the first clause were done away; or till that clause could be modified, so as to grant relief to the Catholics without injuring the persons holding under the new titles. He declared himself a firm friend to toleration: That he wished to allow the Catholics a power of obtaining perpetuities; but thought that three or four days delay could not injure their prospect of relief; though by allowing time to make the bill more perfect, it might save the nation from much distress.

Mr. *Metge* expressed the same opinion of the clause mentioned by the Honourable Gentleman; and as a friend to toleration, he wished to see a bill that was likely to pass unanimously, which could not be the case if the property held under the Popery laws was not sufficiently guarded; for which reason, therefore, and to prevent possibility of dissention, he was for putting the bill off for some days, that it might be introduced anew in the most perfect form.

Mr. *Grattan* said, that if a bill is incomplete, it is no cause for not going into a committee; it is the very cause that renders a committee necessary; but if we never go into a committee, till we are all agreed as to the merits of the bill, we shall never go into one at all; the committee is the place for removing any impropriety that may be in the bill, and making it perfectly agreeable; not that I see any cause for the apprehension entertained by the Hon. Gentleman; but if they have force, the committee is the place to consider them. He then went into a detail of the sundry delays and interruptions the bill had met with in its progress to maturity, and finished with declaring, that if it was not ripe now, it never would be ripe.

Mr. *Gardiner* said, it never was his intention to disturb property, and he was willing to alter the clause complained of in any way that the learned gentlemen of the bar might think would make it safe. There were, he said, a number of eminent lawyers in the House, and it would be a hard case indeed, if amongst them all, they could not correct any error that might be in the bill; but as the committee was the proper place for making such correction, he earnestly intreated the House, to let the bill proceed.

Mr. *Walsh* proposed a mode to render it perfectly safe by omitting a part of the clause. But Mr. *Fitzgibbon* said, he never would consent by a general *sweeping clause* to annul all the Popery laws, and thus trust to the force of a proviso for the securing of property.

Mr. *Holmes*.—I rise to declare my perfect good will to the Roman Catholics, and my earnest wishes to give them full toleration, and every advantage compatible with the safety of the established church: But if any man can doubt the propriety of this sweeping clause, it is with me sufficient reason, why we should not proceed till it be altered; for where there is a suspicion of such imminent danger as the Hon. Gentleman has stated, prejudice must take place of candour, and the greatest enemy to the bill could not wish for a more effectual way to destroy it, than to bring it forward, loaded with doubts; for on such a subject to doubt, is to be decided against it.

Mr. *O'Hara* professed a desire to give every reasonable indulgence to Catholics—to tolerate their religion, and allow them to possess fee simple estates—but he disapproved the whole system of the present bill, and therefore thought it would be useless to go into a committee on it, as it could never be altered into a perfect form.—To do away the whole of the Popery laws, said he, in the gross, by one sweeping clause, would be madness—then why not specify particularly what you intend to report? Why not tell the Roman Catholics the favour you intend to grant.

General *Cunningham* declared the same sentiments.

Mr. *Grattan*.—I think it is trifling with this bill, first to agree to go into a committee *upon the whole of it*, and then to object to a committee, because it is said there is some defect *in a particular clause*; but the objections made to this clause are very ill founded—the clause declares, that no person shall be deemed a Papist within the meaning of any act hitherto made, who *shall* take the oaths prescribed.—Now, as it is not likely that any person who forfeited under Charles II. *shall* take an oath to George III. there is no great fear of any disturbance to the present possessors from that quarter—the sweeping clause then, Sir, is not a clause from which dispute can arise—it is a clause of union and incorporation; it says, countrymen that have been so long separated from—we

hold out our hands to you—we are willing to become one people—we are willing to grant you every privilege compatible with the Protestant ascendant. It is much better for us to incorporate than disunite—then, why should we give as if we feared our own generosity? Let us grant with unanimity, and it will be received with gratitude—we are not going to repeal franchises of our own, but pains and penalties affecting our countrymen; and will you tell Catholics that you are afraid of taking away pains and penalties—that you are afraid to make such provisions as will not insult their faith, or inflict pains and penalties on their persons.

Attorney General.—I never remember a moment of greater importance, nor a subject on which I have entered with more awe than the present. I feel that if the bill is urged forward, it will be opposed even by the friends of toleration. The opinion expressed by the Honourable Gentleman, Mr. *Fitzgibbon*, of the dangerous tendency of the sweeping clause, has struck the House with a *panic*, and if the bill was now to come forward, it would inevitably fail of success. The Right Hon. Member, who has devoted so much time to this subject, who from the natural liberality of his own heart, and the most sincere desire to do his country service, has brought in this bill to give relief to Roman Catholics, is not a lawyer—in other hands it might have been more mechanically perfect, but from no heart could it receive a spirit more pure.—The progress of this bill has been extremely slow; it has been printed, every member has had an opportunity of giving it full consideration. Is it not wonderful then, that the man whom every body loves, has received no assistance from the many able lawyers in this House, and on a subject of such infinite importance to the prosperity of this country? This could not be from inattention, it arose from a delicacy in gentlemen, cautious with interfering with each other's intentions. Many liberal and generous sentiments have been expressed on the subject of giving toleration to Roman Catholics. I heartily subscribe to the wisdom and humanity from whence those sentiments arose. I am particularly happy in hearing those sentiments from gentlemen who represent the northern counties; on this subject, their opinions should have the greatest weight, and as there are no men who value liberty higher, there are none will be more forward to bestow it on their countrymen. I have myself been a witness of their wisdom, and the spirit of toleration that reigns amongst them. I have seen in Monaghan, at the same moment, three prodigious large congregations, flowing out from a meeting-house, a church, and a mass-house; and as the individuals that compose them have joined in the street, they have blended and united into one body, with every mark of affection and good will. This is true religious toleration, and the most striking examples of it are to be found in the north.

I would not, Sir, at present, proceed farther than merely to commit the bill, to shew the people that the House is sincere, and fully resolved to give them the utmost that can safely be granted. In the committee, it may be read over, and adjourned for a few days, during which time, I hope every gentleman will give his assistance to make it perfect. I do not think what has been said of specifying the laws intended to be repealed, conclusive; for they are so many, and so various, that if not repealed by one general law, hundreds of our countrymen, (who would if those obstacles were removed, come and reside amongst us) never will believe themselves safe, or venture to bring their property into this country. If any thing is to be done for Catholics, it must be by a general law, with proper provisos, and full security to every man who holds property under the new titles.

Mr. *Yelverton* bestowed the highest praise upon the loyalty and attachment of the Roman Catholics. He said, that it would be the most laborious task that parliament ever undertook, to specify and recite every penal act intended to be repealed—a roll of parchment sufficient to contain them would reach from that House to James's-street, and that if one was omitted, every good intention of the legislature might be frustrated.

Mr. *Hussey Burgh* spoke on the same side.

The House went into a committee on the bill when it was read, and the further consideration of it adjourned to Wednesday.

The House adjourned till Monday.

MONDAY, FEBRUARY 18.

Mr. *Gardiner*.—On the day formerly appointed for considering the Roman Catholic bill, the House was prevented from entering fully into that business, by an objection started by an Hon. Friend of mine, (Mr. *Fitzgibbon*) which objection supposed that the first clause of the bill would endanger the security of much landed property held under new titles; the great dependence the House had on the opinion of that Hon. Gentleman, may best be known by the panic which so suddenly spread amongst the members; and as I never intended to disturb the security of property, I as one, consented to defer the consideration of the bill till this clause should be most carefully examined; it has since been examined by the ablest and most learned men, both in and out of parliament, and is not found to contain the mischief which has spread too much alarm; nor in the smallest degree to endanger any man's property. This being the case, Sir, I am determined not to relinquish my design of relieving the Roman Catholics; nor will I

give up this clause, till I have tried its merit by the opinion of parliament.

Mr. *Dillon* said, the clause in question had very improperly been called a sweeping clause, as it does not repeal the laws by which property is held, but acts only as a shield to cover loyal and innocent subjects from the malignity of penal laws.

Mr. *Walsh*.—The other night it was asserted, pretty peremptorily and pretty self-sufficiently, that property held under the new titles, would be endangered if this bill would pass into a law; I have since looked over the penal statutes, and I do here stake any little reputation that I may have, as a lawyer, that there is not the smallest danger whatever; the acts of forfeiture relate to such persons only as were then in rebellion; and except it can be proved, that *Papist* and *Rebel* are synonymous terms, the objection has no force at all. Another objection made to the bill was, that it would have an influence on suits now depending in the courts, in consequence of the former laws; but this objection is done away by a special proviso, that it shall not affect any suit already commenced; by which means the Protestant discoverer is not precluded from the benefit of this claim.

Mr. *Mason* expressed great satisfaction at having this matter so happily explained.

Mr. *Grattan*.—I approve the clause, not only on the account of the Roman Catholics whom I love, but on account of the Protestants whom I also love, and whose interest and prosperity I wish to promote. I agree in the propriety of the clause, because I would not have a vestige of pain or penalty remaining against my loyal fellow subjects; and if gentlemen should even oppose this clause now, yet the time will come when the necessity of it will be apparent. We all agree in the expediency of granting Roman Catholics property, and we agree in granting them a right of acting freely in religious matters; and yet we say to Roman Catholics—be ignorant—be bigots—for while we prevent their receiving a liberal education at home, we not only say this, but enforce the command with our utmost power. We deny them education, and yet we wish them to be liberal, to be learned; which, if the laws were executed against them, they could only be through *divine* inspiration, being deprived of every human means.

Mr. *Hussey Burgh* said, it gave him much concern to hear that any of the most Reverend Bench of Bishops should take offence at his motion, for regulating the admission of persons into holy orders. He professed the deepest reverence and respect for that bench, as a body of pious and learned men, and for each of them individually. He said, if there had been any synod or meeting, in which the bishops could have regulated the affairs of the church themselves, and where each particular person was bound to obey a

general decree, he would not have interfered, well convinced that the bench was fully competent to the wisest and most virtuous resolves; but as the wisdom of the constitution had blended the authority of the church and state together, he hoped it would not be deemed improper in the Commons, to take up a matter which so nearly concerned the honour and interest of the church of Ireland.

When parliament, said he, is taking away every inducement to conform, but only which virtue and true religion warrants, it is in the highest degree necessary, that the parochial clergy should be not only men of exemplary lives, but of the most liberal education. But I have heard that there is no sort of men, however mean their occupation in life, however unfit their education, but have of late found admission into holy orders upon *Scotch degrees*. I have heard that it is not uncommon in the course of the same week, to see a gentleman dressed in the *regimentals of the army* and in the *regimentals of the church*. If this practice continues, the church of Ireland may be strictly called Christ's church militant here on earth. I am told that not only lawyers, but even attornies, Scribes as well as Pharisees, have again found admission into the Temple: It must indeed be some comfort to the laity committed to their care, that if at the last day they cannot make *a good case* for them, they may at least *move something in arrest of judgment*. But this is not the worst, that men of profession should be entitled to the benefit of clergy; for men of no profession at all—men whose learning does not exceed that which entitles a criminal to the same benefit—broken merchants and merchants clerks, now enter into holy orders; and through the influence of *Scotch degrees*, the money changers are again in possession of the Temple.

There can be no criterion by which to judge of a man's learning so good as an academic degree, provided those degrees are given only to persons who have gone through a liberal course of education; but I am informed, that in the Scotch universities, this is not at all regarded. There are in these universities, five classes, the progress through which would take five years, but a person is at liberty to enter in which of these classes he may think proper; he may enter into the head class a week before his examination; and that he need not be at any trouble in reading, he may profess and be examined in whatever book he pleases, or in any part of that book; so that if he understands any one line of any book, he is sure of receiving a Scotch degree upon paying the fees; and upon this stock of learning he is turned loose upon the world, to instruct mankind and to reform their morals. Now, Sir, observe the difference between this practice and that of the University of Dublin: A young gentleman will not be admitted there till he has first prepared himself in a very extensive and se-

vere course of learning, in which he is to be strictly examined; and if he does not possess a stock infinitely beyond what is necessary for obtaining the highest Scotch degree, he cannot become a junior freshman. This university is governed by a set of gentlemen, for learning and morality, at least equal to any in Europe; under their instruction the student must continue four years before he can enter into orders; they are clerical men: The first dignitaries of the church are their visitors; and if any testimonial of the moral characters of any gentleman applying for ordination should be wanted, they can in a moment satisfy the bishop. After this comparison, it will be no longer wonderful, if every man who is not an admirer of learning, indeed should send his son to study in Scotland, where degrees are to be obtained with so much facility, and with so little expence: But it is truly wonderful that any of the most reverend bench should be displeased with an attempt to reform this abuse, especially after every declaration of respect that has been made to them; if after all their displeasure should continue, they may be truly called *vatum irritabile genus*.

The *Provost* expressed his acknowledgments to the Right Hon. Gentleman for his exertions in support of the university. He said this subject was of the utmost consequence to that learned society; that he thought it his duty, some years since, to interfere with one of the bishops, who is said to have ordained in many instances, the graduates of Scotch universities; he then understood from that Right Reverend Prelate, that he would not do so for the future;—that he had lately applied to several of the Most Reverend and Right Reverend Prelates, who expressed their disapprobation of ordaining without a degree from this university, or from one of those in England, and that he entertained no doubt of their Lordships regards for our university. He said he had been represented, as having declared upon a former occasion, that the bishops had approved of the motion now made. He had never said any thing of that import, but had mentioned that his representations to the bishops had been very favourably received by their lordships. He acknowledged that in the Scotch colleges there were many very respectable men of great learning and high reputation; but it was generally believed, that in some of their colleges degrees might be had for money. He said two mistaken opinions had prevailed which were prejudicial to our university; it was said that our graduates, intended for orders, were not a sufficient supply for the church of Ireland, and that some of those would not accept of curacies in many parts of this kingdom. He affirmed that such of the persons who took degrees annually at our two commencements, were much more than the number wanted for the annual supply of our clergy; that the persons who took the degree of bachelor of arts amounted in ten years, ending July 1781, to 780, which at a medium of these ten years, was 78

yearly; but that the number had of late years greatly increased, having been in the last of these years 109, and in the two preceding 91, and 95; of these two kinds are intended for orders; and when it was considered how many of our clergy came from England, the prospect of our graduates was not very flattering. As to the refusal of curacies, he did not know how that might have been heretofore, but he would be responsible that for any curacy in this kingdom, for which the legal allowance of fifty pounds yearly was allotted, a curate of learning, character and good morals, might now be had in the university.

TUESDAY, FEBRUARY 19.

The House met, but did not proceed to any business.

WEDNESDAY, FEBRUARY 20.

Mr. *T. Burgh*, of (Oldtown,) reported from the committee on the bill for regulating the corn trade of Ireland.

Sir *Lucius O'Brien* moved to have the bill printed.

Mr. *Foster* said, that it did not differ from the former laws in any respect, save only that it continued the land carriage and coasting bounties for ten years certain, and that it took off the exportation bounty from corn exported from Dublin, as that corn must have previously received the land carriage or coasting bounty; and, therefore, it was inequitable to give Dublin so great a preference over the other sea-ports of Ireland.

The bill was ordered to be transmitted.

The House then went into a committee on the Roman Catholic bill, Mr. *John Dillon* in the chair. It was moved, that the bill be read paragraph by paragraph.

Mr. *Gardiner* said, that he was happy to find that liberal spirit of toleration which had originated in that House, had so universally diffused itself through the whole kingdom; and he rejoiced that where ill-nature had supposed that prejudice would prevail, benevolence was seen to flourish: The delegates at Dungannon had manifested that the people of the North were as forward to grant toleration, as the Catholics could be to receive it. An objection, he said, had been started to the bill, as originally introduced, which had so much weight with the House as induced him to postpone it to this day: He hoped, by an amendment which he now intended to make, to obtain the unanimous approbation of the House; and though he did not in it recite all that multi-

farious code, through the long and dark labyrinth of which, unenlightened by any ray of mercy, he deemed it impossible to find his way; yet, by simplifying the clause objected to, he conceived that the wishes of every gentleman would be gratified; they would clearly see what was granted to Catholics, and he hoped would think the grants but reasonable.

He was further induced to take this method, because, as the penal laws now stood, it was impossible for any man who had not the statute book by rote, to know *exactly* what disqualifications Catholics laboured under; he therefore wished to have this *the single law relative to them*, that their rights and their incapacities being exactly defined therein, they might upon every occasion resort to it for the government of their conduct. It had been said that Papists were safe from penal laws, so long as the generous and merciful disposition of their countrymen disdained to put them into execution; but, he said, no law ought to remain on the statute book which was not executed—if it was too bad to be executed, it ought to be expunged.

The clause which his amendment was intended to simplify, had, he said, been called “a sweeping clause,” but he thought that term very improper, as it swept away nothing from the undeserving; but was intended to guard *faithful and loyal subjects* from a degree of persecution, the greatest that ever originated in *rancour, malice, or revenge*.

But gentlemen say, continued he, that when this law shall be passed, there will no longer be any restraint on Roman Catholics. Is it not a restraint on a man that he can hold no trust or office in the state? That he cannot be a member of parliament, a justice or a grand juror of the peace—that he cannot serve in the army of his country—have a place in the revenue—be an advocate or attorney—or even become a freeman of the smallest corporation? If gentlemen laboured under these incapacities themselves, would they think it no restraint? I am persuaded they would not have been so patient as the poor Catholics have been. We see the Emperor of Germany giving plenary indulgence to Protestants in all cases except in ostentatious shews of religion, (in which, indeed, our church does not much deal.) Religions of every kind are tolerated in Holland; and in Switzerland I have seen on the same day, *in the same church*, the ceremonies of the Romish and Protestant religion performed. As this is then the case, what good reason can be given why we should still continue to persecute, when the greatest part of Europe sets the glorious example of toleration? France actually grants to Protestants as much as is now desired in Ireland on behalf of Catholics.

I have divided the indulgences which I think ought to be granted to Roman Catholics, into five heads, four of which I intend to move as amendments to the clause. The first, and that which I

now intend to propose to the committee, respects their ENJOYMENT OF PROPERTY.—The second respects the FREE EXERCISE OF RELIGION.—The third regards their EDUCATION.—The fourth MARRIAGE.—And the fifth, which from the disposition of the committee, I do not at present think expedient to agitate, regards SELF-DEFENCE.

The first amendment he then moved the intention of, which was to empower Roman Catholics to *take, purchase, and enjoy*.

To which Mr. *Yelverton* and Mr. *Fitzgibbon* added, *to have, hold, and inherit* ESTATES IN FEE SIMPLE, except advowsons, and lands to which a right of making seneschals is annexed, or any burgage or borough-right, by which members might be returned to serve in parliament.

Mr. *Fitzgibbon* exerted himself in supporting the clause: He explained, with great professional ability, the nature of the privileges which were going to be granted; and concluded that, though it would be improper to allow papists to become proprietors of boroughs, there was no good reason why they should not possess estates in counties, or why protestant tenants holding under them, should not enjoy a right of voting for members of parliament.

The *Attorney General* spoke on the same side.

Mr. *Rowley* argued strenuously, that the bill, with those amendments ought to be printed; and that the consideration of it ought to be deferred 'till every gentleman both within and without doors had considered it; and wished it to be postponed 'till the 23d of October, 1788.

He was opposed by Sir *Hercules Langrishe*; who said that the Right Hon. Mover of the bill had, time after time, consented to delay, in hopes of producing unanimity; and if gentlemen are of opinion, said he, that Roman Catholics should possess property, and have a free toleration of religion, the mode proposed is certainly the most simple that can be devised.

Mr. *Rowley* again opposed; and said something of insurgents and rioters, which was not well heard.

Sir *Henry Cavendish* expressed great pleasure at the mode in which the clause was now introduced. He said he hoped it would not be insinuated that men were rioters because they went to mass. They were rioters because they did not go to mass.

Mr. *Ogle*.—I agree with gentlemen that the spirit of toleration has gone abroad; it proceeds from the true spirit of Christianity, which governs Protestants, and shews not only that we can *forgive*, but more, that we can *forget*. We are told that the Emperor of Germany, who is himself a Papist, gives a toleration to Protestant subjects; yet we know that his Roman Catholic subjects are dissatisfied with the grant. In his dominions the number of Protestants is so small, that no danger can possibly arise from them. However, as the Roman Catholics may at present enjoy by

collusion, the power of making freeholders, I had much rather grant it to them by law, and shall give no opposition to their having fee simple estates in counties, provided that boroughs, and such other rotten parts of the constitution, are not put in a worse situation than they are at present.

Mr. *St. George* opposed the clause, and read several accounts of enormities committed by Papists.

Mr. *Walsh*.—An Honourable Member (Mr. *Rowley*) has moved you, that the consideration of the heads of a bill on your table, for the relief of the Roman Catholics of Ireland, be postponed until the 23d of October, 1788. This motion is clearly intended at once to do away the clause, which has been proposed to you by a Right Hon. Member, (Mr. *Gardiner*) that of permitting Roman Catholics to purchase the fee of lands. The Hon. Member who made the motion, has very candidly said, that the intention of his motion was to frustrate the great object of the bill; he has very decidedly declared himself an enemy to the principle of the bill itself; so that I think that I am now free to meet the Hon. Member on that ground.

The subject now before the committee is, in my opinion, of the first magnitude; it is a subject of the very last importance to this country, and merits a very serious discussion indeed. The question now is, whether Ireland shall stand as a powerful, as a respectable, and as a flourishing kingdom in the eyes of all the world; or whether we shall continue in our present impotent, and impoverished situation; distracted and divided among ourselves, with at least two millions of our countrymen and fellow-subjects living in a state of absolute vassalage; incapacitated from either serving themselves, or from serving their country.

The bill on your table is for the relief of his Majesty's Roman Catholic subjects of Ireland. I think I may then say, with propriety, that it is a bill for the relief of at least two millions of our countrymen, loyal to the constitution, and loyal to the prince. They have proved themselves such on some very trying and recent occasions. For I will not go back to *Magna Charta* to enquire what religion the barons were of, who won that great charter of our liberties—those barons who won that constitution which is at once the envy and admiration of the world—let it be for the gentlemen who oppose the bill to say, that they were not Roman Catholics.—I cannot conceive upon what principle of sound policy, or upon what idea of constitutional liberty, the present heads of a bill can possibly be opposed.

These heads of a bill tend to a repeal of the Popery-laws of this kingdom; a code of laws I am bold to say, the most sanguinary, the most persecuting, that ever appeared in the statute books of any free country; a code of laws, the very existence of which

at this day is, in my opinion, a reproach to the good sense of parliament.

These heads of a bill look to this great object—that of uniting in cordial affection, and in interest, all classes and all denominations of men in this country. This bill wishes that every individual in this kingdom should be interested in its prosperity. This bill wishes that every man may have some property on board the *bark*, and that no man may stand an indifferent spectator, whether she sinks or swims. This bill has for its object, the bringing into action, nay, I may say into life, two millions of men, who, in fact, have been dead to society; who have been an absolute burden, and a clog on the industry of their native country. But above all, these heads of a bill look to this great and truly patriotic object—that of making us a *people*—a great, a powerful people—by uniting the sons of Ireland in one common interest, and in one common cause for her prosperity.—It is an established maxim, that the riches and consequence of a country consist in the number of its inhabitants. And yet I am sorry to say, that Ireland at this day, proves the truism of the maxim, by being an exception to the rule: For the Roman Catholics of Ireland, in number above two millions, so far from adding either to the riches, or to the consequence of this country, are a burden and a dead weight on its industry, and must inevitably continue so, so long as the Popery-laws remain unrepealed.

Ireland, from its situation, should be as flourishing and as happy a country as any under the sun. Ireland is surrounded by fruitful coasts—she possesses the safest harbours—she enjoys a temperate climate, and is blessed in the fertility of her soil—and yet Ireland is, at this day, as far behind other nations, as to arts and industry, as she is beyond them in point of natural advantages.

It may be asked, why Ireland, with all those *natural advantages*, should be so far *behind* other nations in *arts and industry*?—The answer is obvious—the *Popery-laws are still alive!*—Those laws which render *torpid* and useless to this country, *two millions* of its inhabitants.—The wealth of a country must ever be in proportion to the *skill* and *industry* of its inhabitants: The sure way to make men *industrious* is to let them *enjoy the fruits of their industry*. As industry increases, manufactures must necessarily flourish; therefore, the great object of the legislature should be to excite industry by employing the people; not to continue laws which render the bulk of the people a burden to the state.

The obvious interest of Ireland, at this hour, is to grant to religious dissenters, their civil privileges, which may annex them to the civil government; not to continue persecuting laws which must necessarily estrange them from it. I would not be understood to say, that the Popery-laws, when made, were not necessary to the protection of its civil constitution; but this I will say,

that the motives which then induced the necessity of those laws, have long since ceased to exist. These laws have outlived their time, and, in my opinion, a longer continuation of them, circumstanced as this country now particularly stands, must be its inevitable ruin.

It will not be denied, I believe, that the conduct of the Roman Catholics of this country, for a series of years, has been that of obedience to the laws, and attachment to the established government. Why then continue unnecessarily those penal laws, which absolutely involve two-thirds of our fellow subjects—which deprive them of the rights of men, and cut them off from any benefit of a free constitution? Can any laws be more unwise than those which restrain the Roman Catholics, not from evil, but absolutely from doing good—laws which absolutely prohibit industry, by tying up the hands of two millions of men from co-operating with the public in the public service.

I will suppose, merely for argument, that the Roman Catholics are not so well attached to us from principle as could be wished. Will any gentleman then say, that a continuation of those Popery laws will be a probable mode of winning the affections, or ensuring the attachments of this unfortunate class of people—unfortunate indeed, when doomed to vassalage in a country of *freedom*, and treated as aliens in their native land.

The wisest man who, I believe, has ever written on the subject of legislation, (I mean Baron Montesquieu) treating of the very subject now before us—that of penal laws as to religion—says, that penal laws as to religion, have never produced any other effect, than that of making the objects of them more persevering: Says he, “The sure way to win the zealots in any religion is, to court them by favours—by the conveniencies of life—by hopes of fortune. It is an established rule as to the changing of religion, that the invitations to the change must ever be more strong than the penalties.”

Have not the very laws we are now discussing proved the wisdom of his judgment? Can it be presumed that these Popery-laws (if unrepealed) can produce other, or more salutary effects for the time to come, than they have produced for near a century past—that of *misery* to *individuals*, and *impotency* to the *state*.

Since then the *iron* hand of *penal law* has proved ineffectual, why not endeavour to *wed* the Roman Catholic to us from motives of self-interest. The happiness of every state depends upon the *common interest* of the subject, not on uniformity of opinion as to this or that religion. If Roman Catholics are permitted to purchase lands, they must necessarily become sincere supporters of the established government. They then become *wedded* to it by the strongest of all ties—that of *self-interest*.—The security of self-in-

terest is the support of every government. Will it be argued, that the greater the stake a man has to lose by the subversion of that government under which he lives, the more he is to be suspected as an enemy to it? Or that the less a man is interested in the welfare of the state, the more he is to be confided in? Surely this is too absurd a doctrine to be entertained for an instant. A Roman Catholic, by purchasing lands, enters into security for his good conduct. He (if I may use the expression) enters into a kind of recognizance for his loyalty to the state.

By permitting Roman Catholics to purchase, you annex their loyalty to the soil; by that means it becomes stable and permanent; whereas, at present the property of Roman Catholics is totally personal; it is a kind of fugitive property, which may almost instantly be transferred from one country to another. If sound policy and good sense have not heretofore told us to repeal those laws, the present times, the very critical situation of the British empire, furnish a decisive reason for repealing them at this day. England has wisely repealed her Popery-laws.

In this liberal and enlightened age, when almost all the powers of Europe have resigned religious policy to public interest—when toleration, the darling child of benevolence and of wisdom, has been adopted in the place of persecution, that dreary offspring of blind prejudice and hoary bigotry—when reason has re-assumed her throne—shall Ireland alone continue enveloped under that dark cloud of deep-rooted prejudice and baseless apprehension? Shall she alone be blind to her own interest, while all Europe hang out a lure to the Roman Catholics of this country to emigrate—to depopulate their native land?—Shall we sit dormant and inactive, while the remedy is within our reach?—There is no man who will voluntarily banish himself from his native country. Every man who has the feelings of man, must have a natural affection for that country which gave him birth. Nothing but cruelty and oppression can oblige him to part it—he is wedded to it by every tie of affection, by every tie of connection.

But if the present heads of a bill shall be rejected, can any man hesitate to say, that every Roman Catholic in the country, who has the smallest portion of property; that every Roman Catholic who possesses the spirit of a man, and who does not prefer vassalage and slavery to liberty and freedom, will not immediately transport himself, his family, and his property, to another country; into a country where he may participate of the blessings of a free constitution, and enjoy the rights of a freeman?

The *Recorder* approved of giving Roman Catholics liberty to purchase estates in fee simple. He demonstrated how, under the present laws, a Catholic might make freeholders by collusion, but with very little trouble, and thought it better they should enjoy this power openly and by law, than privately and in a clandestine

manner. He asked whether gentlemen intended, by removing all right of freehold from Roman Catholic estates, to deprive Protestants deriving under them from a power of voting at elections? If so, it was a penal law as well against Protestants as Roman Catholics. He said there were other reasons why the fee simple of estates might be purchased by them—suppose a Papist was to commit treason or felony, if he has only a personal property in lands, he may dispose of it at any time before conviction—but if the fee be vested in him, he cannot make it away.

Mr. Flood said, that he always wished to embosom the Roman Catholics in the body of the state—yet without courting praise on one hand, or fearing censure on the other, he would, speaking neglectful of both, deliver his opinion on this great subject, and hoped it would be received with the same candour it was given. About five years ago, said he, a law was passed, granting the Roman Catholics infinitely less than is now proposed; the day was celebrated with rejoicing, and it was thought we had reconciled every party—I am now sorry to hear gentlemen speak as if nothing had been done for them. The Right Hon. Gentleman who prepared the bill now before us, well knows that I did object to that indiscriminate clause—one reason was, that while you were endeavouring to conciliate *that estimable and beloved body of men*, you seemed to hide your bounties, and to shew only the severity of the laws: If a sorry Popish agent had done thus, he would have been unworthy the men for whom he acted, and would it much surprize me—but a Protestant parliament should be *wise and frank* enough to explain and declare the whole scope of their intention. In the former laws, leases for years were granted to them upon the avowed principle of restraining them from any influence in elections. This law then goes beyond toleration, it gives them a power, and tends to make a change in the state. I have a great respect for the Roman Catholics, and though I will not condemn, yet I will not wholly approve their conduct. Ninety years ago the question was, whether Popery and arbitrary power should be established in the person of King James, or freedom and the Protestant religion in the person of King William—four-fifths of the inhabitants of Ireland adhered to the cause of King James; they were defeated, and I rejoice in their defeat. The laws that followed this event were not laws of persecution, but of political necessity, and are you now prepared for a new government? Can you possibly suppose, though the Roman Catholics prefer you to every other people, that they will prefer you to themselves?—What then is the consequence, if you give them equal power with the Protestants? Can a Protestant constitution survive? Yet should the majority of this motion attempt to alter

the constitution, I firmly believe they would be repelled by the minority, and then a total convulsion must follow.

It is necessary when you are granting Roman Catholics indulgence, that you should distinguish between the rights of property and the rights of power; while a man is engaged in acquiring property he is in a habit of industry, and when acquired, it ties him to the state. But with great respect to my Right Hon. Friend, I think the question of religious toleration should have been brought on first, because I am certain it would not have met with a single dissenting voice, and it would have been a glorious opportunity of shewing the liberality of a Protestant parliament; but though we wish to extend toleration to Roman Catholics, we do not wish to shake the government; we should allow them to purchase lands, but we should carefully guard against their possessing any power in the state. Therefore, for the benefit of all, and that we may not destroy the balance of the state, (for I am sure no sensible Roman Catholic wishes to unhinge the state) let us grant them full security in matters of property, but prevent their interference in matters of state. As to what has been said of the indulgence granted to Protestants in other countries, I must observe, that nothing can be more mischievous than for one state, or one individual, to follow exactly the example of another. Difference of circumstances should produce different modes of action. The Emperor of Germany is himself, the sole legislator of the state—he is himself a Catholic,—nor do the Protestants in his dominions, bear the proportion of more than one in an hundred to his Popish subjects. Besides, the Protestants in every country acknowledge the sovereign as head of the church, whereas Catholics look to a foreign jurisdiction in matters ecclesiastical.

Mr. *Wynne* opposed the bill.—He was supported by Colonel *Wynne*, who moved, that the committee should report some progress.

Mr. *Mason*.—Of the penal laws, those which relate to persons, were made in the reign of King William, his only object was the security of the state; but in the reign of Queen Anne, began the laws which deprived Roman Catholics of property. King William left them the power of purchasing lands, and devising them in any manner they thought proper; but it was the chimerical project of making Ireland a Protestant country, which deprived them of this advantage. The security of the state was not then in question. It would have been the highest degree of absurdity, so long after king William's death, to have thought of taking any new security for the allegiance of Catholics, or of inducing them to conform through penal laws; especially if we consider that in the course of seventy years, during which period, every principle of *true religion* was violated to make profelytes, no greater number than 5000 conformed out of five million, which, within that time lived within this kingdom.

Mr. Grattan.—I object to any delay which can be given to this clause; we have already considered the subject on a larger scale, and this is but a part of what the clause originally contained. We have before us the example of England, who four years ago granted Catholics a right of taking land in fee; the question is merely whether we shall give this right or not, and if we give it, whether it shall be accompanied by all its natural advantages. Three years ago when this question was debated in this House, there was a majority of three against granting Catholics estates in fee, and they were only allowed to take leases of 999 years; the argument then used against granting them the fee, was that they might influence elections. It has this day been shewn that they may have as effectual an influence by possessing leases of 999 years, as they can have by possessing the fee; at that time, I do declare, I was somewhat prejudiced against granting Roman Catholics estates in fee, but their conduct since that period has fully convinced me of their true attachment to this country. When this country had resolved no longer to crouch beneath the burden of oppression that England had laid upon her—when she armed in defence of her rights, and a high spirited people demanded a FREE TRADE, did the Roman Catholics desert their countrymen? No—they were found amongst the foremost. When it was afterwards thought necessary to assert a free constitution, the Roman Catholics displayed their public virtue; they did not endeavour to take advantage of your situation—they did not endeavour to make terms for themselves—but they entered frankly and heartily into the cause of their country; judging by their own virtue that they might depend upon your generosity for their reward. But now after you have obtained a free trade—after the voice of the nation has asserted her independence, they approach this House as humble suppliants, and beg to be admitted to the common rights of men. Upon the occasions I have mentioned, I did carefully observe their actions, and did then determine to support their cause whenever it came before this House; and to bear a strong testimony of the constitutional principles of the Catholic body. Nor should it be mentioned as a reproach to them that they fought under the banner of King James, when we recollect that before they entered the field, they extorted from him a Magna Charta, a British constitution.

In the reign of Charles the II. a committee, consisting of Papists, Protestants, and Presbyterians, were sent from this country to prosecute Lord Strafford, we find them perfectly agreeing in the object of their mission; and indeed when men begin to differ upon principles of religion, it is because they have no other great object to engage their attention; we cannot give the people of Ireland a *common faith*, but we can give them a *common interest*.

In 1779, when the fleets of Bourbon hovered on our coasts, and the Irish nation roused herself to arms, did the Roman Catholics stand aloof? or did they, as might be expected from their oppressed situation, offer assistance to the enemy? No—they poured in subscriptions for the service of their country, or they pressed into the ranks of *HER GLORIOUS VOLUNTEERS*.

It has been shewn that this clause grants the Roman Catholics no new power in the state; every argument therefore which goes against this clause, goes against their having leases for 999 years—every argument which goes against their having leases of 999 years, goes against their having any leases at all—and every argument which goes against their *having property*, goes against their *having existence* in this land.

The question is now, whether we shall grant Roman Catholics a power of enjoying estates, or whether we shall be *a Protestant settlement* or an *IRISH NATION*? Whether we will throw open the gates of the temple of Liberty to all our countrymen, or whether we will confine them in bondage by penal laws? So long as the penal code remains, we never can be a great nation; the penal code is the shell in which the Protestant power has been hatched, and now it is become a bird, it must burst the shell asunder, or perish in it.

In Holland, where the number of Roman Catholics is comparatively small, the toleration of their religion is an act of mercy to them; but in this country, where they form the great bulk of the inhabitants, it is an act of policy—an act of necessity—an act of incorporation. The question is not, whether we shall shew mercy to the Roman Catholics, but whether we shall mould the inhabitants of Ireland into *A PEOPLE*; for so long as we exclude Catholics from natural liberty and the common rights of men, we are not *A PEOPLE*; *we may triumph over them, but other nations will triumph over us*. If you love the Roman Catholic, you may be sure of a return from him; but if you treat him with cruelty, you must always live in fear, conscious that you merit his just resentment: Will you then go down the stream of time, the Roman Catholic sitting by your side unblest and unblest, blasting and blasted? Or will you take off his chain, that he may take off yours? Will you give him freedom, that he may guard your liberty?

In Ireland, as connected with England, the indulgence we wish to give to Catholics can never be injurious to the Protestant religion; that religion is the religion of the state, and will become the religion of Catholics if severity does not prevent them: *Bigotry may survive persecution, but it never can survive toleration*. But gentlemen who speak of the enormities committed by Catholics groaning under a system of penal laws, do not take into account the enlightening and the softening of men's minds by tolera-

tion, nor do they consider that as they encrease in wealth, they will encrease in learning and politeness.

I give my consent to the clause in its PRINCIPLE, EXTENT, and BOLDNESS—I give my consent to it as the most likely means of obtaining a victory over the *prejudices of Catholics, and over our own*—I give my consent to it, because I would not keep two millions of my fellow subjects in a state of slavery; and because as the mover of the DECLARATION OF RIGHTS, I should be ashamed of giving FREEDOM to but six hundred thousand of my countrymen, when I could extend it to two millions more.

Mr. *English*—Having, Sir, on former occasions expressed pretty fully my sentiments on the matter now under consideration of the committee, I should not rise again on this day, did I not think consistency as well as the very great importance and extent of the subject called on me. Sir, the object is of the very first magnitude; the penal code, that has so long been a stain upon your statute books, which I hoped we were about to wipe away for ever, pervades not only the feelings and interests, but the language and manners of society; it affects the mind, the person, the liberty and property of individuals; it wounds very deeply the population, cultivation, commerce, character and constitution of the country: Population is materially injured by the obstruction it gives intermarriage; and beauty, a flower to which your clime is so remarkably genial, is often suffered to wither on the stalk and fall unsucceeded. Your fertile plains are left uncultivated, because the wretched occupier has no solid or permanent interest in the soil, and would improve it but to his own expulsion; from these defects that commerce, for which your island is so happily formed and situated by nature, and which every wind from Heaven favours, languishes, and chill penury takes place of opulence. The folly and cruelty of the policy and principle of this code draw just reproach and contempt on your national character in other respects so fair, so general, and so manly; your constitution is perverted by it; four-fifths of your people are not only deprived of its benefit and protection, but it is made an instrument in the envenomed hand of persecution to forge fetters for them. The mind of the Roman Catholic is not less shackled than his body; he is refused the common benefits of education or information; he is excluded from your University, where science and the established religion are taught; the Inns of Court, where your laws are studied; and both Houses of Parliament, where the constitution is expounded; and, Sir, these very preposterous and wanton laws that keep him in utter darkness, as to your civil and religious institutions, load him with the most rigorous pains and penalties for not admiring and adopting them. Sir, I am not an advocate for any particular religion; these that know me best, will acquit me of any very *extravagant*

attachments in that way. I am the advocate of liberality and toleration, and ever shall be the opponent of prejudice, that looks on all things with a jaundiced eye; and of persecution, that knows neither justice or moderation. I revere the first principles of the constitution as the noblest effort of human wisdom, and the revolution, which restored it to its original vigour and functions; but I abhor this penal code as a manifest violation of both. The constitution professes to secure the freedom of the whole empire; these laws reduce to worse than Egyptian bondage by far the greater numbers of your people, and these too of that class whose virtue obtained your great charter. Men of this description are not only deprived by parliaments that owe their existence to them, of the benefits of a constitution of their own creation, but of the common rights of mankind in the penetrating and comprehensive eye of philosophy, that surveys all the works of nature with candour and unbiassed judgment. How must an assembly of men appear met together gravely to determine that all God's creatures were unworthy his choicest blessings, except their own sect; a handful of men, when compared with the rest of their own species, as inconsiderable as the inhabitants of the most trifling village compared with the rest of the inhabitants of Europe; the idea is shocking, not only to philosophy but to philanthropy; but to see these men deny these blessings to their country—men their kindred, their fellow-subjects and fellow-christians, is shocking to humanity.

Every Gentleman, Sir, who has spoke on this occasion, has declared himself a warm friend to toleration, and it is impossible to doubt their sincerity; it is wonderful then, whence the opposition to the bill in its original form has arisen; it cannot be denied, but reconciliation and union were among its first objects, why then a recital of these execrable laws that infect your statute book? Will drawing them forth in black array, tend to promote these ends? No, Sir, it will fill the minds of those ill-fated men who for a century have groaned under their weight with horror and disgust, and leave no room for those joyful and grateful feelings that drawing the rest of eternal oblivion over them, must naturally produce. To extract the poison this code has diffused, would require an uncommon exertion of political chymistry, and after all the seeds of the distemper must remain, but the bill as it was first introduced offered an antidote that would meet the poison in every vein, in every artery of the constitution, and conquer and expel it for ever.

It has been said, Sir, that we should look back with the utmost reverence to the acts of former parliaments, and use the nicest caution and delicacy in unravelling them. There is no man in this House that looks up with greater veneration than I do to parliaments; but I do not hold them or any other thing on this earth

as infallible, from their very first formation their conduct has been often not only censurable, but highly criminal. So early as Henry the Third, a parliament assembled at Oxford, which meditated the overthrow of the constitution, changing the government into an oligarchy the better to effect their design, summoned four Knights from every shire in England to lay the grievances of their different counties before them, which were to form the pretext for the immediate change in the government; their enterprize succeeded for the time; but these very men whom they had made the innocent instruments of their treason, very soon after gave a fatal blow to their power, restored the king to his authority, and the people to their rights, of which they have ever since remained guardians.

Thus, Sir, you see the schemes of this parliament distinguished by the name of the Mad Parliament, defeating their own ends.—In the reign of Charles the First, you see parliaments over-leap all bounds prescribed by any law human or divine—you see them expelling from the Senate the hereditary branch of the legislature, and dragging their Sovereign to suffer on a scaffold, an instance unparalleled in the annals of Christendom; but you see the ill-got power, this guilty parliament called in reproach, the rump parliament, soon destroyed at a blast, and another succeeding them, called in derision Bare-bones parliament; these miserable fanatics are in their turn dismissed the House and sent to seek the Lord elsewhere, with an assurance that he was not a member of that parliament. I will not trouble the committee with more instances of this nature, these few I have mentioned were to shew that parliaments were not only not infallible, but that ambition, madness, folly and superstition, frequently guided their councils, and dictated acts, which it was after found so necessary to repeal; and in very few cases indeed have they been more culpable than in this odious penal system, which at this juncture calls so loudly for your interposition. An idea the strangest sure that ever crossed a sound imagination has been suggested, though not attempted to be justified by an Hon. Gentleman; yet it has been greedily snatched up by another Hon. Gentleman, clad in all the terrors of the law, and thrown in as a firebrand to inflame the committee and destroy the measure then before you. You are told that a law which is to take place from a future day only, is to have a retrospection of ages, that it is to unhinge and set afloat the principal property of the kingdom, which has not only the act of settlement, but prescription and every other security to guard it; but I trust Gentlemen will see things with their own eyes and in their natural colours, and be no longer influenced by this wild fally; though the bill in its present form is far from being satisfactory to me, I will not follow the example of this Hon. Gentleman, who in a former session refused his support to a bill upon the same principle, because it granted *too little*, and in this, has

opposed one, because it granted *too much*; but I will vote for this and every other measure that can in any degree tend to grant relief to the objects of this bill.

Sir Boyle Roche.—I am very happy to find this great public bill is come fairly before parliament, in order to mark its importance, it is only necessary to add, that it is the concern of two million of our people in particular, and the interest of the Irish nation in general; and in order to inform ourselves sufficiently of the subject, it is necessary for us to take into our serious consideration, what we have been, and what we now are. It is only since the session before the last, when the wisdom of parliament thought it proper to take a step to unite the inhabitants of this kingdom, I say it is since that time only that we began to emerge, and it is since that time that we began like the Phoenix to rise from our own ashes; and I wish it to be remarked, that it is since that period that we have dared to tread in the path of liberty; a great deal still remains to be done, and we cannot say that we have done more, than to have made some progress, how then are we to accomplish this object, which predominates in every good man's heart? By no other means under Heaven, but by the union of our inhabitants; in that I am an enthusiast; for I am convinced that the future glory and happiness of this country, depends upon that single point.—Then as it is the future happiness of Ireland, which is the subject of the day, let us take it upon the broad bottom of justice, honour, virtue, expediency, and good policy: I think the people's cause is good; they have justice on their side; and this being the case, they have nothing to combat with but passion or prejudice; and as both are known to be the vices of the mind, and always unsupported by virtue, honour, or justice, for the honour of parliament, I hope they will sleep upon this occasion. Then let us take example by a Right Hon. Member of this House, (Mr. Ponsonby) known from his infancy to be bred up in the highest prejudices to Roman Catholics, and their religion; and having grown up into maturity and power, under that influence it then became his political creed. Yet, when in the session before the last, the Popery bills were first agitated in this House, the Right Honourable Member, when he heard the cause of the people opened and explained by men of great abilities, threw off his prejudices, quitted his nearest and dearest connections, flew to the side of justice, and threw himself and his immediate followers in the scale of the people, and turned the balance into their favour. This is a picture worthy of imitation! and I am sure that that worthy man will live for ever in the hearts of the people, that he relieved by his honour and by his virtue.

Let us turn our thoughts for a moment to the state this kingdom has been in during the last century; we have been a poor, divided, enslaved country, with only two distinct orders of people in

the kingdom ; namely, freemen and slaves : the latter being the more numerous, seemed to occupy the thought of the former, lest they should rise to cut their throats in this state of national depravity, with all public honour, and virtue dead, our neighbours took advantage of our divided and unhappy state, and reduced us to the unconditional terms of a conquered province, insomuch, that the inherent and natural privileges of parliament had been destroyed, and had been degraded into a mere convention of the heads of the people, met periodically to sanctify and register the deeds of a foreign parliament.

Now let us consider what has happened in consequence of the step which parliament had taken in the session before the last, to unite the inhabitants. No sooner was that done, than it seemed to electrify the whole mass of the people, and instead of looking down like slaves, they seemed, as if by the word of command, to throw up their heads, look to the right, turn out their toes, and in that formidable position, three millions of united people demanded a restoration of their long-lost-rights, and our neighbours did not think it prudent to refuse us.

In the outset of this bill it was reported that the Dissenting Protestants of Ireland were averse to granting liberty to their Catholic neighbours. I did not believe it, and to my friends I declared against that opinion ; I did so from a conviction of their being too sensible, and too political a people to divide a kingdom that must now depend upon its own strength. They have been the foundation of every liberty we now enjoy, and I this moment think them the out-lying centinels of the constitution.—But let us now give a glance on the state of Europe in respect to toleration ; that great luminary, the Emperor of Germany, has wisely opened his country to all denominations of people without distinction ; he has the immortal honour of being the first Catholic Potentate who burst the chains of superstition, and expressly says in his edicts, that he will not have any other distinction in his dominions, but what may arise from ability and virtue ; which shall be the qualifications that shall entitle the man of any religion to fill the first employments of the state.

That cunning, crafty soldier and statesman the King of Prussia, has followed the example, and opened his country to all denominations of people. The United States of Holland have done so : France is tolerant ; she has a Protestant at the head of her finance. The wonderful revolution that has happened in America seems to have changed the politics of all Europe ; those Potentates have their eyes fixed upon the state of that great country ; they see the standard of liberty already flying there ; they, therefore, in order to prevent the emigration of their inhabitants to that place, where the oppressed part of the creation may exchange their slavery for liberty, their poverty for competency, and their servile depend-

ence for independence and equality, seem determined to destroy all religious distinctions, in order to encourage their inhabitants to remain in their own dominions. I am happy to live in an age when the light of reason is broke in so strongly upon mankind as seems totally to destroy persecution. I could very little expect, when serving in the last war in America, that it could ever happen that the French and the American Dissenters could be united; that extraordinary circumstance proves to us that it is interest, and not difference of sects that draws communities now-a-days together, and we find by fatal experience that though they say their prayers differently, their military operations seem to agree but too well.

Now, Sir, there is no country in Europe so interested as this kingdom is, in uniting and shaking off all illiberal prejudices; I therefore hope that we will not be the only retainers of slavery now in Europe. I hope it cannot happen that this my native land would be thrown into one great prison to confine in cruel bondage two millions of faithful and loyal people, and I hope we shall not suffer the imputation of becoming their inexorable keepers.

I beg leave to observe that the honour and faith of parliament seems to me to be pledged to such Roman Catholics as took the test and declaration under the solemn act of this House, to liberate them so far as is consistent with the Protestant ascendancy; the test was calculated under the wisdom of parliament, we must suppose with intent to give freedom to such Catholics as would give that new testimony to the king's government and the constitution.—The oath and the conduct of the people for one hundred years past perfectly corresponded; and I now call upon the enemies of the Catholics to step forward, and say, in what situation or time within that period they acted otherwise than as good and loyal subjects, though suffering under pains and penalties unknown before in any Christian country; therefore I think that the faith of parliament is engaged to the people. Speaking now in the language of the Roman Catholics, they say they have given every satisfaction they had to give; they think it is now time to know whether they are to live in future as slaves or freemen, as they are fully determined, should faith be broken with them in this instance, to prepare themselves in order to depart from this their native country to America, where they will exchange their slavery for liberty.

Mr. *Bagenal* said, he was for giving the Roman Catholics a subordinate share in the government of this country, he was for giving them as much now as they ever ought to have, that we might not be troubled with Popery-bills every session.—He said, that the people in general, had not influence enough on parliament, he would go no farther back for an instance of it, than the ministerial delay given to the enquiry into the Portugal insult; and that en-

quiry concluded at last by a ministerial insult on the people of Ireland, by hurrying it through this House, without giving any man out of this House an opportunity of advising the most prudent method of obtaining redress. He compared the situation of the Roman Catholics, to our situation with regard to England; and concluded with a prayer of Judge Vaughan's—"that this kingdom should never be oppressed with religious tyranny, domestic slavery, or a foreign yoke."

Mr. *D. Daly* also supported the clause.—He thought the critical situation of affairs was such, that every indulgence ought to be given to Roman Catholics. Something had been said against the propriety of allowing them to carry arms; but he was so well convinced of their fidelity, that if any gentleman would move to allow them that liberty, he would support the motion.

The question on adjournment,

Ayes	—	56
Noes	—	145

And the clause carried without a division.

THURSDAY, FEBRUARY 21.

On different motions, several members were discharged from custody.

Colonel *Cunningham* moved, that the books of Grier and Howard be ordered into the custody of Alexander Murray, Esq; and they were ordered accordingly.

FRIDAY, FEBRUARY 22.

Mr. *Holmes*, in a most affecting speech, urged the necessity of an inquiry into the laws respecting crimes and punishments, and observed, that the punishment of death was almost indiscriminately prescribed for every crime; that the wretch who commits a petty theft is obnoxious to the same punishment as he, who, in defiance of all laws human and divine, murders his father. He gave from authentic documents, a clear account of the insufficient accommodation in the county gaols for the prisoners, and that the approaching circuits was a proper time to enquire into their state; and moved, "for leave to bring in heads of a bill for enforcing a due execution of the laws for regulating the public gaols of the kingdom, and providing proper accommodation for the persons confined therein."

Ordered accordingly.

A few minutes after four o'clock, Mr. *Grattan* rose and addressed the House as follows :

After the ample discussion in this House, of the great question of right, the 19th of April, 1780, and the universal reprobation of the assumption of the British parliament, to bind this kingdom, then received, I had been silent on the subject, if that parliament had not since that time continued its tyrannical and unconstitutional assumption, by enacting several laws to bind Ireland, which I have in my hand, as also a proclamation in the *Irish Gazette*, where the execution of a British statute is enforced : Measures that evidently shew that the British nation, so far from relinquishing the claim of usurped authority in this kingdom, have still the same spirit of making laws for us, which they keep alive by renewing their claim on every occasion.—These fresh instances of British usurpation, added to that disgraceful and unrepealed act of the 6th of George I. which declares Ireland bound at all times by the legislature of Great Britain, makes it necessary at this time for the parliament of Ireland to come to an explanation concerning its privileges, and the injured rights of the nation. [He then gave a narrative of the several instances where the British parliament had asserted their power to bind this kingdom, from the act of navigation to the present time, the consequences of which he said were an infamous prodigality, an embargo, an admission of every thing in every shape from England.] And what are, continued he, the boasted relaxations Britain has granted to us ? The first was in 1778, as contemptible in principle as in effect, for after a bar of lawyers was brought to plead against Ireland in the English House of Commons, we were permitted to export every thing except our manufactures. Their favour was an insult and aggravation to our misery. The minister sends over to know the causes of our distresses, and he is answered from his agents here, that it was done away, and that we were satisfied by being permitted to cultivate tobacco. The second period was in 1779, when government abdicated the defence of Ireland, and Ireland appeared in arms, the minister now changed his tone, he glanced a temporary gleam of hope upon our shields ; he gave us every thing, but kept the power of taking it back, he retained a Mutiny-bill and the Post-office act.—The third period was a ministerial address of thanks, evidently calculated to dissolve the union of the people ; it had its effect in a paroxysm of ease, and when it was known that the strength of this House was dissolved, and that the glory of 1779 was no more, an order comes over to oppose on every occasion the latent claims of Ireland ; to oppose an Irish Mutiny-bill, to alter the Sugar-bill ; and when Lord *Hillsborough* found you had lost all veneration for yourselves, he lost it for you likewise. The reprobated measure of a perpetual Mutiny-bill followed, but you have not done with it yet, you

have stabbed your country and the wound is festering. Emboldened by your dissolution, English acts binding Ireland were passed last winter. Is the claim of the British parliament to legislate for this kingdom given up, as I have heard some gentlemen say in this House? How futile and ridiculous now do these arguments appear, that declared the return of the Irish Mutiny-bill was a renunciation of legislation on the part of England? How futile and absurd are all the arguments that teemed on that occasion from the government press?

I am for tranquillity; it is for honourable tranquillity; but when I see an administration unable to make a blow against an enemy, tyrannize over Ireland, I am bound to exert every power to oppose it.

Ireland is in strength, she has acquired that strength by the weakness of Britain, for Ireland was saved when America was lost: When England conquered, Ireland was coerced, when she was defeated, Ireland was relieved; and when Charlestown was taken, the Mutiny and Sugar-bills were altered. Have you not all of you, when you heard of a defeat at the same instant, condoled with England and congratulated Ireland?

In every instance, the power of Britain over you appears. I shall mention one: Before the repeal of the English act, to retain the direct importation of sugar from the West Indies, a respectable merchant, Alderman Horan, offers to enter some; there being no Irish statute to prevent it, the commissioners of the revenue hesitate some time, and when they find that every kind of application to that gentleman, to dissuade him from persisting in vain, they tell him he may pass his entry, but that the Stag frigate, over which they have no command, lies in the harbour ready to seize the ship. Thus did the commissioners shelter themselves behind the Stag frigate; and a Stag frigate will always be found ready to assert the power of the British legislature in Ireland, until the rights of Ireland are explained. How necessary, therefore, is it not to do it now? Surely you do not expect, like the Jews, redemption to come from Heaven, if you do not help yourselves? Ireland is connected in her franchises with England, not by conquest, as Judge Blackstone has childishly said, but by a compact. [Here, in a masterly, clear and energetic manner, he made a number of historical quotations, in which it was undeniably proved, that the supremacy of the Irish parliament was allowed by the kings of England, from Henry the Second to Charles the First; and that the execution of the English laws that followed in Ireland, was accompanied by acts of tyranny and murder.—He then adduced a number of Irish acts, that proved Ireland had never surrendered her imperial right of legislature.

Precedents, continued he, of the execution of English laws in this kingdom, since 1741, avail nothing, they may soften the

censure on a judge who acts under them, but laws or franchises cannot be done away by those partial adjudications that put out the lamp of liberty.

If England was for a moment awake to her interests, she should come forward, and invite us to her arms, by doing away for ever, each cause of jealousy.

How, but by the strictest domestic union, can Great Britain, with only eight millions of people, oppose the dreadful combination of seven millions in Spain, with twenty-four millions in France, and two in Holland? Will she cast off three millions of brave and loyal subjects in Ireland, at so critical and eventual a time?

An Irish army, the wonder of the world, has now existed for three years, where every soldier is a freeman, determined to shed the last drop of blood to defend his country, to support the execution of its laws, and give vigour to its police. The enemy threaten an invasion, the Irish army comes forward, administration is struck dumb with wonder, their deputies in their military dress go up to the Castle, not as a servile crowd of courtiers attending the Lord Lieutenant's levee, but as his protectors, while the cringing crowd of sycophants swarm about the treasury, and, after having thrown away their arms, offer nothing but naked servitude.

You are now losing the British constitution, which by compact you were to possess: Two councils, with more than parliamentary power; dependent judges, a Mutiny-bill lost; and governors like the Roman pro-consuls in distant provinces are sent over to fleece you.

A general election is shortly to take place, what will be your answer to those who have sent you here, when you resign your delegated trust, and they ask you, Where are our rights? Where is our Sugar-bill? Where our Mutiny-bill?

What will be the consequence of your not explaining your rights now? When a peace happens it will then be too late; your island will be drained of its people, the emigrants will say, let us prefer freedom in America to slavery at home, and cease to be his Majesty's subjects here, to become his equals there. Let us not therefore suffer the same men, whose infamous arts were reprobated in America, to succeed here. He then made his motion for an address to his Majesty.

“ To assure his Majesty of our most sincere and unfeigned attachment to his Majesty's person and government.

“ To assure his Majesty that the people of Ireland are a *free people*; that the crown of Ireland is a distinct kingdom with a parliament of her own, the sole legislature thereof.

“ To assure his Majesty, that by our fundamental laws and franchises, laws and franchises which we, on the part of this

nation do claim and challenge as her birth right, the subjects of this kingdom cannot be bound, affected or obliged, by any legislature, save only the King, Lords, and Commons, of this his Majesty's realm of Ireland; nor is there any other body of men who have power or authority to make laws for the same.

To assure his Majesty, that his Majesty's subjects of Ireland conceive, that in this privilege is contained the very essence of their liberty, and that they tender it as they do their lives, and accordingly have with one voice declared and protested against the interposition of any other parliament in the legislation of this country.

"To assure his Majesty, that we have seen with concern, the parliament of Great Britain advance a claim to make law for Ireland, and our anxiety is kept alive, when we perceive the same parliament still persist in that claim, as may appear by recent British acts, which affect to bind Ireland, but to which the subjects of Ireland can pay no attention.

"To assure his Majesty, that next to our liberties, we value our connection with Great Britain, on which we conceive, at this time most particularly, the happiness of both kingdoms does depend, and which, as it is our most sincere wish, so shall it be our principal study to cultivate, and render perpetual. That under this impression, we cannot suggest any means, whereby such connection can so much be improved or strengthened, as by a renunciation of the claim of the British parliament, to make law for Ireland, a claim useless to England, cruel to Ireland, and without any foundation in law.

"That impressed with an high sense of the unanimity and justice of the British character, and in the most entire reliance on his Majesty's paternal care, we have set forth our right and sentiments, and without prescribing any mode to his Majesty, throw ourselves on his royal wisdom."

The Right Hon. *William Brownlow* seconded the motion, and said, the people know their rights, and it is needless for government to pretend to oppose what must at last be obtained.

Right Hon. *Hussey Burgh*.—I rise not with any ambition to add to what has been so ably argued by the Hon. Gentleman who made the motion, but with the ambition only, of being enrolled among the asserters of my country's rights. The supremacy of British legislation over this kingdom, I trust no man is daring enough to assert here; though I find a pamphlet, written by Serjeant Major, is industriously dispersed, where the writer, with some ingenuity, I confess, endeavours to prove the right of England to legislate; but his arguments are weak, and his deductions false.

Right Hon. *Attorney General*.—I do not rise to derogate from the merit or to cheapen the talents of the Hon. Gentleman who

made this motion, nor can I entertain a doubt of the purity of his intentions, but I shall submit my *honest sentiments*, plain and unadorned; and though by the arts of eloquence, I cannot hope to arrest your attention, and delight your imagination, yet I trust, Sir, to prove to the satisfaction of the House, that this motion is inadmissible: Yet, as I have nothing but reason and common sense to oppose to the most eloquent and artful harangue I ever remember to have heard, I must rely on the candour of the House for a patient hearing.

We are desired to address the king, that he will interfere with his parliament of Britain, to renounce any claim of authority over this country. The time that has been chosen to agitate this question, is peculiarly improper, and the object of the motion utterly impracticable; at a season of the greatest national peril, you are desired to address his Majesty, to do away a claim of the British parliament, though no method has been suggested by which his Majesty can accomplish that end.

I do not mean to agitate the QUESTION OF RIGHT; the act of the 6th of George the First is certainly of *little ornament* upon the statute book, and of *still less use*; yet if it gives nothing to England, it certainly takes away nothing from Ireland—the question answers itself. But suppose we were to agree to this address, and the British parliament should declare that they never had any right to bind Ireland; in what a wretched and miserable situation would this country then be placed; what scenes of anarchy and confusion would arise, which, did the Honourable Gentleman but for a moment consider, he would shudder at the prospect. I have looked over the papers of the forfeited estates, and find that there is scarcely a man in the House that does not enjoy some portion of them, nor a county in Ireland of which they do not make a considerable part. A worthy representative of the county of Cavan holds a large property, formerly forfeited, and afterwards granted by an English law. I hope he will not doubt the validity of his title. Many gentlemen who hear me are in the same situation; yet we are desired to implore his Majesty, that he will be graciously pleased to deprive his faithful subjects of Ireland of their estates, held under acts of the British parliament, because that parliament never had any power to make laws binding upon Ireland. Some days ago the observation of a learned friend of mine (Mr. *Fitzgibbon*) electrified the House, when he told us that we were about to disturb all property derived under the laws of forfeiture, &c. &c. I desire to know what your feelings now are, when you are desired to loose all the bands which unite society, and leave almost the whole property of the kingdom to BE GRAPPLED FOR by the descendents of the antient proprietors.

The question of right is sometimes a question of power, we are told that Great Britain has exercised it very lately; but surely we never had less provocation to complain of its exercise than at present. If England has lately mentioned this country, it is in an act by which she suspends her own navigation in our own favour; and shall we say, do not exercise your power for our advantage? Is it becoming the loyalty of the Irish people to say we will be a primary nation? and though the statute has expressly declared, that the imperial crown of Ireland is APPENDANT to the crown of England, is this a time to say that we will not be a secondary state? [Here Mr. Grattan rose to explain, that he did not say we *should* become a primary state—but if such doctrines as the Right Honourable Gentleman maintained, were attempted to be enforced, we might be drove to what no man would wish, to become a primary nation.] After some further explanations between Mr. Grattan and the Attorney General, the latter gentleman proceeded. The Honourable Gentleman has said, that now when Great Britain is hemmed in by enemies on every side, when sinking under a load of debt, and the repeated strokes of *ill fortune*, no resistance can be feared from her when Ireland is in full vigour, expert in arms, and almost certain of success—now is the proper time for demanding from Britain the relinquishment of what their ancestors have handed down from age to age—to make the British parliament eat up their words and humble them before us; to make them disclaim a power which they have exercised for our benefit, and to plunge the nation into an armed anarchy. If an ambassador from France or Spain, or if the boldest agents for the rebels of America, was at your bar to urge the House in language such as this, I should not be much surprised, though I trust no man could be seduced by it; for it ill accords with the loyal and liberal feelings of Irishmen, who scorn to take advantage of an enemy in distress, but always remember acts of friendship with gratitude; I am therefore against the address, because it would give the world an opportunity of saying—Ireland has made demands on Great Britain, *and is in arms to enforce them*. I am against it, because it is a CHALLENGE, though couched in terms of civility—because it tends to *anarchy and misrule*—because the thing contended for *can never gain strength but by struggle*—and because, if obtained, it would *shake all the property in the nation*.—Upon these principles, I think it an honour to oppose this address in any way, but from respect to the Honourable Mover, I will not give it a direct negative, but move to have it put off to the first of August.

Mr. Richard Hely Hutchinson said, that the subjects which gave occasion to the national grievance complained of in the address, seemed to him to be at an end; the restrictions of our commerce, the regulation of the army, and the final judicature. The

causes having ceased, the effects must cease of course, without any further interposition of ours. Our sovereign, said he, has already done more for attaining the object of this address, than the address itself desires. He has given a perpetual spring to our national spirit, by lopping off that branch of his prerogative, which enabled him to make the representatives of the people, freeholders of their trust. Since which auspicious period, the great stem of the constitution, the liberty of the people, has risen with wonderful growth. He has diffused that spirit and made it general, by uniting all religious sects, making us one people, and connecting us in one common cause. He has opened all the sources of population, by the freedom of our commerce, and by obtaining for us an equal share in the British colonies. He has infused vigour into the middle classes of our people, by the tenantry bill. In a word, he has given us union and strength, and all the means of wealth and of population. Can any power upon earth dictate to such a people, laws to which they do not consent? Can any nation upon earth be so mad as to make the attempt? And, if the attempt should ever be made, a high spirited people would resist the execution of those laws, and ought not to creep to the throne with sighs and supplications. Would the high-spirited mover endure the thought of making such an address to the British parliament? And, if not, why to part of that parliament? —The vanity of nations, like the pride of kings, wastes its obsolete impotence under the rust of time, and while France, in silent neglect, lets Britain in every act of state proclaim a title to her crown, why should Ireland be disturbed if an antiquated claim of legislature sleeps in the British statute books? Let it rather remain there, if it serves to awaken the constitutional jealousy of our countrymen, to watch over the freedom of their legislature, and to guard it against further encroachments.

He said, he doubted whether it was constitutional, to consider the king as exerting any influence in the repealing of laws. The only proper request on such an occasion, if any was proper, would in his opinion be this; that his Majesty would be pleased not to refuse his sanction to such a bill, whenever it should be laid before him for his royal assent. Will an independent House of Parliament desire the royal influence over another parliament equally independent with themselves? And might not such a request be truly answered—“I have given you sufficient influence of your own, by the weight which you have obtained in the scale of my empire. My ancestors have conferred upon your nation the common rights of Englishmen, for they have given you the English common law; and they have confirmed those rights by the charter of liberty. Rest your protection on your own constitution, calculated to guard you against that influence, which

you now fear, without any danger to threaten you, and without any enemy to apprehend."

In his opinion, in all our views of this subject, we should look to the future and not to the past. You should recollect, said he, that a very considerable part of the landed property of the kingdom is held under British statutes, both public and private. A great part of that property is derived from judgments and decrees in the British House of Lords. Would you now disturb the question of judicature? Would you set the property of the kingdom adrift? Would you shake your own titles? The other night how general was the alarm, when you were told, that forfeitures might be questioned by a bill then depending? Can you forget your apprehensions so soon, and will you now agree to a measure, which may question many great forfeitures indeed, and shake, to their very foundations, the titles of the estates of so many amongst you?

But this, he said, we may safely say to Great Britain, without danger to any man's property—that we submitted to, from the necessity of the times, when emerging from a state of the utmost confusion, from a contention of five hundred years, to the loss of a million of our inhabitants, from civil wars, said to be no less than fifty-two in number, from massacres and desolation, we will not submit to when the necessity no longer exists. What we submitted to in a distracted and divided state, when the protection of your legislature was necessary to save us from destruction, we will not endure in the present hour of public strength and public virtue, when we are able to protect ourselves. That power, which was submitted to by a colony, the miserable policy of whose inhabitants was mutual jealousy and mutual fear, must not presume to dictate to a nation, united and in arms. The circumstances of both countries are very different indeed from what they were, when the statute complained of (the 6. G. I.) was enacted. America had not been then a lesson of wisdom and humiliation to Britain. The bandage of pride had not been taken from her eyes. She had not then seen her veteran armies captured. Her once triumphant fleet retreating over the ocean. The Angel of Liberty has lifted up his voice, and has said to her—you have not respected in others those rights, for which you yourself contended for ages, for which you spilt the best blood of your country, and which you did not establish without a revolution. Mark the fatal consequences; those colonies planted by your hand, and fostered by your care, and which ought to have been the support of your declining years, have turned their arms against you, and are gone, perhaps for ever. Let experience teach you wisdom—take Ireland to your bosom—protect her infant commerce—respect her liberty—she will prop the tottering fabric, heal the

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wounds of your dismembered empire, her youth will invigorate your old age—but remember—she must be free.

Search the histories of the world, and you will find what Britain has found in her own, that when the protection of one nation is necessary to another, protection and subjection go hand in hand; but when the protected nation becomes her own protector, every idea of subjection vanishes.—He said, he wished to treat those laws, which brought order out of confusion after the two last rebellions, as Cicero treated the laws of Cæsar. They are, said he, of no validity, but they are good for the Roman people, and let them be obeyed.

In the last session, after a general declaration of the sentiments of the House in solemn debate, it was agreed to let this subject rest without any declaratory resolution. Why should we depart from what was then agreed upon? What attempts have been since made to induce us to alter our conduct? There were three instances complained of by the Hon. Gentleman: In the two first of which Great Britain had relieved herself and Ireland also, from some of the restrictions of the navigation act during the war; now these acts neither were, nor could they possibly have been intended to be prejudicial or insulting to this country. They were beneficial to both kingdoms; were passed when we had no parliament sitting, and referred entirely to a British law. The third instance mentioned by the Honourable Gentleman was this: They had continued an old law for the regulation of their own mariners, who are no part of our establishment, when on shore in this kingdom. If they had not done so, there would have been no law to govern them, for we had made none; and he said, it was not unusual, when one country lent her troops to another, to allow her the privilege of governing them by her own articles of war. But he said, he would put this matter upon the strongest footing, and from the example of the mutiny act he thought he had a right to conclude, that, whenever we should make a law of our own on this subject, Ireland would be immediately omitted out of the English law.

We had already done more than voting addresses on this subject. Examine, says he, the conduct of all orders of men in the kingdom with respect to British statutes, from the lower classes of our people to the highest amongst you.—Look at your juries, have they executed British statutes? Look at the revenue board, holding their commissions at the pleasure of the crown—have they executed British statutes? To their honour they have refused to execute them. The instance is recent in every man's mind; the instance of the tea act; and has not a Right Hon. and public spirited member of this House, who holds a great office in the customs, admitted goods to be shipped in opposition to a British statute? Now examine the conduct of your sister kingdom on the same sub-

ject; and it will do her equal honour. The British mutiny law was not executed; did she complain? On the contrary, the moment we had made a law of our own for the regulation of the army, she omitted Ireland out of her law, after the prescription of a century. He said, he believed from his soul, that the inexpediency and inefficacy of extending British laws to Ireland was well understood at the other side of the water, and that the question would never be agitated, unless by ourselves, nor any occasion given for the discussion of such a question.

By the spirit of the nation we had got into port; let us keep there, and maintain our acquisitions and our rights with spirit, but with moderation; and let us not disturb our sovereign, our sister country, or ourselves, with unnecessary contention, when the cause of contest has ceased. We are strong, and he exulted that he could say so; but our strength must encrease every day, if by immature exertions we did not weaken our sinews. With all the means of being happy, let us think ourselves so, and refute the unkind suggestion, that Ireland was a dissatisfied and discontented people.

For these reasons, he said, he thought the measure proposed unnecessary, inexpedient, without efficacy, and with great respect for the mover and his intentions, without sufficient national or parliamentary dignity; he should therefore give his assent to the motion for postponing the consideration of it till the first of August.

Mr. *Forbes*.—I should be sorry I had the vanity to think any thing I could say, could give force to the arguments that have been so powerfully urged by my Hon. Friend (Mr. *Grattan*.) I should have contented myself with merely voting in support of his motion, if the dangerous doctrine that has been promulgated by the Right Hon. Gentleman (the *Attorney General*) did not compel me to rise. He says that many estates are holden under English laws in this country. I myself, have the misfortune of possessing one so circumstanced; for upon a claim lately made against me, I was obliged to make a very disadvantageous compromise, rather than risk the maintainance of a suit under an authority which every Irishman reprobates. Where is the grand juror? Where is the petit juror that will find under an English law? Where is the justice that will enforce, or the man that will obey it? Is it not then a measure of necessity—a measure of sound policy—after every individual Irishman has declared, that he never, never will submit to be bound by an English law, to quiet the minds of the people by this declaration? Or after the sentiment has been universally disseminated through the land, is it wise to hazard the safety of all property, or to endeavour to support the authority of a foreign legislature? The question is, whether you will gratify a set of men who have dashed the diadem of England to pieces up-

on the ground? Or whether you will gratify the wishes of the people, and be free.

It is said, that as Great Britain is at present in a distressed situation, do not press her now, wait 'till she is less embarrassed: But you never can speak to the British minister to more advantage than at the present moment. This is not the war of the nation; it is the war of a faction of ministers; and withholding your claims is no favour done to Britain—it is a compliment paid to those ministers.

The present administration, we are told, was sent to Ireland to settle this country. Ireland never will be settled until she is *free*; and she never will be free until we have made this declaration.

Mr. *Ogle* said that he thought every man who had ever opened his mouth in the House, should now rise and declare his approbation of the address—The laws by which property was held, he said, might be enacted by the Irish parliament; and he thought it very extraordinary that the same gentlemen who were advocates for the repeal of the popery-laws, because they were not enforced, should oppose a declaration against the authority of English laws, because they were not enforced.

Mr. *Moffatt* said, he rose to assert the rights of the people of Ireland. He did not think that any man would be found hardy enough to deny the positions laid down in the address; but upon a question of the nation's right, to be passive, he thought, was contemptible; to be active against it, was abominable. He said that this was the only nation upon earth that submitted to the decrees of two legislatures; but now that reason and the spirit of liberty had opened men's eyes, and enlarged their views, they would no longer pay respect to false or insolent claims. He thought it worthy of remark, that the same minister who had offered a free legislation to America, should deny it to Ireland: But nothing was to be hoped for from temporary expedients; as we had had experience of the fruitlessness of negotiation, the House, he thought, was called upon to make an *explicit declaration of the nation's rights*.

Mr. *Bushe*.—As in the last session of parliament I delivered my sentiments fully upon this subject, I think it now unnecessary to enter at large into it. I only rise to declare what cannot, I think, be too often declared in this House, especially by gentlemen who possess a regard for administration—that I admit and acknowledge the principle of the address, in its full extent, and I subscribe to every sentiment of that most eloquent oration which has just been delivered, and which asserts the freedom and independence of the Irish parliament and nation.

Power, and not parliament, is the title deed of nations: Magna Charta was thirty times violated, but when the British nation recovered power to assert her rights, it was found that Magna Charta

had not been *injured*. God has now given this nation power, and being every man of us decided not to obey any English law, English laws become nugatory—three millions of people refuse to obey the English laws—take those petty offenders before the proper officer, and let them be punished.—The idea is too ridiculous.—My Hon. Friend, by agitating this question, has struck a spark from every breast, which has lighted up the flame of liberty, and each man now depends upon the firmness of his country; but my Hon. Friend will agree that if we make this declaration, we must insist upon it. Suppose it is denied, will we submit?—No.—It therefore becomes a question of danger; and though many a man is ready to encounter danger in the service of his country, yet God forbid that any man should wish to plunge her into it. For my part, I think this address a matter of such importance, that it should not be wasted upon the voice of parliament, it should ride upon the thunder of national clamour: But I justify the constituent body of Ireland for not urging this claim, however plausible in theory—they are too wise to urge it—to insist upon it would be to give up territory.—Is France injured by the claim of England to govern that country? Or is Spain disturbed by the claim of France upon Navarre? But whether England assents to, or denies your right, it yields you little benefit. If she repeals her acts in which you are named, she may again revive them; the repeal does not make England more weak, but Ireland more supine. It was hard to persuade the Romans that they suffered by the ruin of Carthage; yet it proved the destruction of their state; and upon the same principle that the existence of Carthage was a benefit to the Roman people, the English laws affecting to bind Ireland are of advantage to this country; they serve to make the senate and the people more vigilant. The English never can enforce their laws but by lulling us into security.

But suppose England so unwise as to oppose our claims, we must then make war upon her: We may take the field, encamp, march, counter-march, expose our arms 'till they are rusty, and mock the air with colours idly spread—but to what purpose? For finding no enemy, we must at last return to our habitations; we must have recourse to our permanent strength, to the encouragement of our manufactures, to our Popery-bill, which unites our people in a common cause, and to our Volunteers, who have made our very sports our safety.

Mr. Flood.—I do not rise, after the question has been treated with such great ability, to delay the House by any length of discourse, as I find that no man in the House maintains the right of the British parliament to bind Ireland. Does any man maintain it? —[a cry no, no, no.]—The first officer of the crown will excuse me then, if I think his sentiments on this subject so important as to demand an explicit answer from him. I do not blame him for

the unwillingness he shews to declare, it would be highly indiscreet to involve himself unnecessarily in this business: I therefore call upon him, and adjure him to answer me, whether he gives up this right or no? He said that a question of *right* is sometimes a question of *power*. If the Right Hon. Gentleman has no other argument on behalf of Britain, her authority will soon be at an end.

The *Attorney General*.—I thank the Right Hon. Gentleman for marking me out as a proper person to propose his question to. I perceive he has engaged in it with great earnestness indeed; but, Sir, I know the value of my existence as well as he; I know I am the servant of the crown, and the servant of the people, and if a difference should arise between them, I should think myself unworthy the favour of either, if I feared to declare my opinion to both; but at present I see no necessity for any declaration: And I think that no friend of this country would bring such a question forward. I am *Attorney General* to the KING of IRELAND, as connected with England. If the interest of the two nations should clash, rather than be the trustee of England, I should retire from my office. But I am not the trustee of Great-Britain, I am the trustee of the law; and I think it unwise to agitate questions between nation and nation. I do suppose that I am to take the law from my predecessors—I state acts of parliament, not rights.

Mr. *Flood*.—I called upon the Right Hon. Gentleman as an able man, a man of high professional knowledge, and he has satisfied me he will maintain the right of England. He says he is a trustee; but I thought it was of Ireland, not of England. He says that power makes right: If he says that power makes right, he says there is no right, for power is the right of highwaymen, the legislature of parricides; But if all you contend against is the efforts of power, the proper time to overthrow it, is the season of weakness. In the last session of parliament I consented to suspend a declaration of right, resting upon the virtue of individuals, that they would not obey any foreign act; and upon the wisdom of the British ministry, that they would before now have given up the claim: But I find the claim continued, and therefore I hold it necessary to make a declaration of the liberties and constitutional rights of Ireland.

Mr. *Grattan* closed the debate with a full refutation of the few arguments brought against the address.

After which, the question being put on the *Attorney General's* motion “to adjourn the consideration of this address to the first of August,” a division ensued.

Ayes, ———

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Noes, ———

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Mr. *Flood*, after the question was over, informed the House, that since the mode of proposing it had been objected to, to obviate that objection, he would move it in another form on the

first day the House should sit ; for that no time could be too early to assert the rights of Ireland, and the privileges of that House ; which, by the fatal and melancholy decision of this night, had been violated and deserted. He moved it first for Saturday, and then, upon considering how late the House had sat, for Monday.

Mr. *Gardiner* then rose to observe that the Roman Catholic bill was committed for Saturday, and hoped nothing would induce the House to postpone a business of so much consequence.

Several gentlemen were of different opinions upon the subject.

Mr. *Flood* again conjured the House not to remain for one day robbed of their rights, nor to allow the nation to remain an hour subject to a foreign legislature, which, by the vote of this night, we had done.

Mr. *Walsb* was of the same opinion ; and said that it would be as shameful as unconstitutional to admit of any delay on a matter of so much national importance.

Mr. *Corry* said he had not troubled the House before on that question, but that he would not for a moment submit to the question of this night, as a friend of the independency of Ireland, being construed into a dereliction of her rights : That he was one of those who would never give up that idea, but for ever resist it in or out of the House, in any shape he met it. That the vote just carried, was not whether Ireland was independent, but whether, being so, we should address the throne upon the subject ; that he was unalterable in his resolution to defend that independency, though he did not think himself bound to agree in every motion proposed to the House, all of which it might not be either eligible or politic to adopt.

Mr. *Gardiner* having for some time longer contended for the precedence of the Roman Catholic committee, at length said he would abide by the decision of the House upon that point, and left it to them whether they would, as proposed, adjourn 'till Monday.

The question of adjournment was then put for Monday, and carried without a division.

MONDAY, FEBRUARY 26.

Mr. *Flood*, in a short but eloquent speech of about fifteen minutes, stated the rights of Ireland, and then moved,

“ Resolved, That the members of this House are the only representatives of the people of Ireland.”

He read another resolution, viz. “ Resolved that the consent of the Commons is indispensably necessary to render any statute binding.” This, he said, he would not move 'till the first was determined upon.

The *Solicitor General* opposed the motion, as unnecessary and what every man allowed. He moved an amendment after the word resolved—"That it is now necessary to declare."—This brought on a debate, as he declared the amendment was proposed in order to negative the motion if the amendment passed.

The amendment was supported by Mr. *Fitzgibbon*, Mr. *Mason*, Sir *Boyle Roche*, and other gentlemen.

The resolution was supported by Mr. *Ogle*, Mr. *Grattan*, Mr. *Brownlow*, Mr. *Forbes*, &c.

Mr. *Yelverton*.—I came into this House decided not to take any part in this debate, because I did not think there was a man in it, who would be hardy enough to assert that England *has any right to bind Ireland*. Does any man assert it? I call upon any man in this House, or out of this House. *I am ready to meet him on this argument.*

The *Attorney General* repeated his former opinion. He observed, that he had before declared he would not go into *the question of right*; and that, therefore, it was unfair and uncandid in any gentleman to extort his expression, or assume for granted positions not under debate.

Mr. *Yelverton*.—I did not say that the Right Hon. Gentleman had said that England *had any right to bind this country*; I know too well his knowledge of law and of the constitution, to suppose him guilty of such an absurdity. He did not say it. I now desire to know, is there any man in the House who will say so? If there be, let him stand up, I am ready at this instant, and I hope I ever shall be ready, to refute him. I call to know if there be any SUCH MAN?—If no one opposes me, I shall consider every man in the House as rising with me to assert the freedom of the Irish constitution.

The *Attorney General*.—I rise to deliver my political creed.—England has assumed and exercised a power of making laws to bind Ireland: She has repealed some of them that were oppressive, and this House has returned thanks for the repeal; but I should shake all property, should I declare that the laws under which it is holden have no authority; and, therefore, I think it best to leave these statutes as they are; yet, as an IRISHMAN, and a friend to Great Britain, I must say, that if Great-Britain shall attempt to make *any new laws, they will not be obeyed*. I am the depository of the laws of IRELAND, not of England; and it is absurd to suppose that an officer delivering his opinion, can give away any right that does exist—the legislature alone that makes laws, has power to repeal them.

Mr. *Yelverton* rose again: He said that he did not understand from the declaration of the *Attorney General*, that Britain possessed any RIGHT, only that she had exercised a POWER; this he

did admit; but a right must have been founded either on common law, on statute law, or on judicial determination. The common law existed before parliaments were known, and gave them no such right. If there were parliamentary declarations, in favour of Great Britain—if there were judicial determinations in her favour—there were parliamentary declarations, and judicial determinations, in favour of Ireland also. But suppose, for a moment, that our ancestors, by connecting this country with England, had given such a right—did they give her a right to *indorse us over to Scotland?* Or to indorse us over to the Congress of America?—Yet, if representatives from either are admitted into the British parliament, is not the authority of making laws to bind Ireland, indorsed over to those people.

He then proceeded, with great law and constitutional learning, to refute every argument that could possibly be alledged in support of the British claim; and concluded with saying, that he hoped the Irish parliament was neither afraid or ashamed to assert her rights.

Sir *Frederick Flood* supported the resolutions proposed by his eloquent kinsman with great force. He said that in his present situation of office, he did not intend to have said a word, but to have given a silent vote for his country, but for two reasons; one was, to expose the inconsistency and absurdity of the reasons offered on the other side of the House, for strangling the very important resolutions before them. He mentioned *Magna Charta*, and asked whether there was a man in the House who would venture to assert that we had not a right to be free; and said that this was the time to declare collectively and legislatively, that which every man acknowledged individually; and that those who would not do so, were stranglers and assassins of their rights, and must answer for it to the people in general, and to their constituents in particular.

His next reason for speaking, was not, he said, with an ambition or expectation of being able to add any force to the resolution proposed, but that his name may be recorded and registered among the asserters of their country's liberties and rights. He said he represented a borough in a free and independent county, whose rights he would bleed and die for.—He said that he did not mean, nor did he wish to tarnish the brightness or virtues of a respectable administration, who were only doing their duty; nor would he step out of his line of duty to throw incense upon them, though he esteemed them much.

Sir *Hercules Langrishe* said—The universal coincidence of opinion on this subject, and the universal acknowledgment of the great truth which is the substance of the resolution, makes the motion unnecessary, and if it be necessary, it is unadvisable. The Honourable Member knows there is but one opinion on this sub-

ject, through the nation: The nation to a man, from the magistrate who is to *enforce*, to the people who are to *obey* laws, have all declared it; and this conviction, impressed on the minds of a spirited people, is a security an hundred times as strong as any parliamentary declaration of your *own* in your *own* favour; in which, as you are an interested party, your assertion can conclude nothing as to your right; and in which, by proposing the declaration, you imply a doubt where no doubt subsists.—No, Sir, a vote of the House of Commons can give no strength to the *great charter* you read in your statute book, or the *great enforcement* you feel in yourselves.—If you complain of the laws, you seem to feel them.—If you neither *acknowledge* nor *obey* them, you cannot *feel* them.

The Honourable Member (Mr. Grattan) very justly exposed the ridiculous argument, as it certainly was, of Judge Blackstone, when he said—“There having been some doubt entertained of the right of England to make laws for Ireland, the doubt was removed by the 6th of George I. as a dispute between two parties could be adjusted by the assertion of one of them.”—This argument, though from so great a man, was justly laughed at. Now, suppose you come to this resolution, and some future writer of Irish Commentaries, some such man as *Patrick Darcy* or Mr. *Mollyneux*, writing on this subject, were to say—“A doubt having been entertained of the right of England to bind Ireland by laws, at length was decided; for in the 22d of George III. the Irish House of Commons passed a vote, declaring England *bad no right*.”—This argument you would laugh at, as equally ridiculous; and yet, if it does not admit of some such conclusion, it is useless.

But it is said, a claim kept upon the records of the English parliament, and the statute of the 6th of Anne, must be counteracted by a declaration of Irish parliaments: I answer, if English records assert this claim, you have a multitude of Irish records already, which deny it; particularly the resolution in your Journals of 1641, which is, at least, as full and explicit as that proposed this day. If the statute of the 6th of George I. asserts to bind you, your *act of faculties* denies the right, and asserts the contrary; so that you have already claim against claim, record against record, and statute against statute; where, in my opinion, they will remain for ever *balancing each other*, if you do not agitate them by discussion or debate. He vindicated the cases of *new provocation* from any intention of repeating an exercise of a power offensive to Ireland, and useless to England. The connexion between the two countries is now different from what it formerly was, and England is actuated by different principles towards us: She sees that there is only one method of resting the combined enmity of

the world, and maintaining this as an empire—but by making Great Britain and Ireland one people—of common rights and common constitution—of common interests and common affections.—Every man must see this is the principles of the times, worthy the benevolence of the royal mind, the wisdom of parliament, and the liberal sentiments of the present minister; and every man may sit down in a patient confidence that this great work will be accomplished. On the whole, he concluded that it was not necessary to make this declaration.

Mr. *Daly* and the *Provost* spoke in support of the independence of Ireland; but did not see the necessity of making a declaration at present, on a subject which was not contested.

Mr. *Grattan* spoke in support of the motion; and the House divided.

For the declaration,	—	76
Against it,	—	137

TUESDAY, FEBRUARY 27.

The committee on the Roman Catholic bill sat, and made some progress.

Sir *Hercules Langrishe*.—I support this clause, (granting Roman Catholics a power of having fee simple estates) as I believe it will be highly advantageous to the country; and I support it in its present form, because it is *plain, simple*, and easily understood. We have been shewn how readily Roman Catholics, possessed of leases for 999 years, may, by collusion, acquire the fee; the question therefore ceases to be a question of policy, whether you will make them a liberal grant of property, and allow them to possess legally and openly what they may acquire in a clandestine manner. Gentlemen will also consider, that by allowing Catholics to possess the fee of lands, they for ever bar the claim of old proprietors, and interest every Catholic who enjoys such possessions in the support of the established government. A Gentleman says, he wishes to give Catholics property, but would restrain them from having power, lest they should influence elections: For my part, I entertain little apprehension from their having any power in elections, the influence arising from landed property is the only influence that can never be injurious to the country. But the same person says, that few Roman Catholics set their lands to Protestant tenants, if so, then they can have no freeholders on their estates—I leave, therefore, the inconsistency of those two arguments to answer each other.

Mr. Flood.—I am as much a friend to the principle of the bill as any Gentleman in this House, and if any thing had occurred to me capable of obviating the inconveniencies that have been mentioned, I should have proposed it, but I have not thought of any thing that I can venture. I wish to give them property, permanent property, but not political power; it is very true, that when a contested election comes to be tried before a committee, if it appears that a Catholic influence has prevailed, they may declare the election void; and by your law you may declare, that if on any election any person deriving under a Catholic shall vote, the election shall *ipso facto* be rendered void. I only state this idea, but wish to have the clause adjourned for further consideration. I hope I shall not be pressed to go through it this night.

Mr. Montgomery spoke in support of Mr. Flood's opinion.

Mr. Forbes.—I will not impute to Gentlemen who urge this adjournment, an intention to destroy the bill; yet it is somewhat strange they should persist in it, when every man of profession knows that the clause may be guarded by a proviso as far as may be necessary. I was at first alarmed at what was said, till I considered more attentively. I find, upon reflection, that were we to alter the clause in the manner desired, it would allow Catholics to acquire estates, but would convey destruction to them—it would say, we give you power to acquire the fee of lands, but we cannot trust you with the rights appertaining to the fee, because in time to come you may destroy our constitution. If this be our opinion, let us not grant them any thing at all. By all the acts which the tyranny of the last age devised, a Protestant was not prohibited from settling on the estate of a Catholic—the scheme of the Honourable Gentleman who spoke last but one, would effectually prohibit them—it would not only be oppressive to Catholics, but a punishment to such Protestants as should settle on their lands. The great object of the penal laws was to break the power of Papists in Ireland; that object they accomplished, but they also ruined and destroyed the country. Bishop Burnet tells us, the scheme was totally to root out and banish Catholics from Ireland, and to plant Palatines and other foreign Protestants in their place—but the superior wisdom of the present age, considering men's faith as a concern purely their own, attempts to bind CATHOLICS to the state by BENEFITS, and to obtain by generosity what we could not accomplish by force. Nothing can be more ridiculously spiteful than the attacks formerly made upon Catholics. You will find upon your Journals a petition from the Protestant coal-porters of Dublin, complaining of a certain Darby Ryan, a Papist master coal-porter, for employing a number of Papists in that trade. You will find a complaint against Sir C. Phipps, for having been present at a musical entertainment, where one Christian, who had formerly been a domestic of the

Pretender, performed on the violin.—It was alledged that Sir C. had listened to the tune of a song known by these words, "The King shall have his right." There was some dispute about the tune, and the house, in order to judge whether their member had been guilty of a treasonable act, ordered his accuser to whistle the tune in question, and gravely sat to determine by this music. Mr. Forbes was ably supported by the *Provost*.

Mr. Flood.—I love and admire the Roman Catholics; they ought to do so by Protestants, for I challenge the world to shew a similar liberality to that which we now manifest, *but an unbounded confidence is not to be placed in mankind*; there should be a salutary caution, a constitutional jealousy, and though we talk as sentimentally as we please, yet we should not give without consideration.—Gentlemen say we should not clog or disgrace our gift, but our constitution must be partial, and our policy must be partial too. I admit the merit of the Roman Catholics, and that merit makes me consent to enlarge their privileges; but I will not consent to their having any influence in choosing members for this House. 'Tis said indeed they have acted patriotically, and by that rule they should be members of parliament. It may be a good reason, I am sure that many of our members have not so good a one to urge.

Mr. Dennis Daly spoke on behalf of the Roman Catholics.

General Cunningham declared, that in his opinion, a full and liberal toleration to Catholics was the wisest measure that could be adopted; it would make us a great and powerful people; obviate the necessity of keeping a standing army in time of peace; give us a weight and consequence among the nations, and ensure to us kindness and generous treatment on the part of Great Britain.

The only thing to be guarded and provided for, he said, was a Protestant parliament and Protestant government; this he thought was sufficiently provided for by the disqualification of Catholics to become members of either: And as to what Gentlemen had said of Catholics obtaining influence by possessing land, the same might be said against their possessing money, yet no inconvenience had ever resulted from that circumstance. These sentiments he said did not arise upon the moment, they had been deeply rooted in his heart, and as a friend to Ireland he rejoiced that they were so generally entertained by the House.

Mr. Flood desired to know what was intended in respect to Catholics carrying arms.

Mr. D. Daly.—My opinion is, that as by law the Privy Council have authority to license Catholics to carry arms, I would have them rather beholden to parliament for that privilege. As our object is to unite and conciliate, I would have them as much as possible obliged to the legislature of their country. I would

not however arm a mob. I would not trust any man that had not some tie to the country—suppose 100*l.* per ann. or any other sum more acceptable to the House. I think this indulgence would be for the benefit of the kingdom. I do not mean to move it myself, but I did say, that if any man would make such a motion, I would second him, and I am ready to keep my word.

Mr. *Bagenal*.—I would arm every man to defend his property who has 10*l.* per annum, and I would also grant to merchants and manufacturers who are entrusted with other people's property, a power to defend it; for suppose this country was invaded, we cannot expect any assistance from England; and if we prevent Catholics from defending their property, one half of our Volunteers must be kept out of the field, to guard it for them against bands of plunderers, who upon such occasions would be found ransacking and destroying the country—wretches whom poverty and oppression had taught to elude the vigilance of the standing army.

Mr. *Grattan* urged, that as it was well known that most Catholics of any property kept arms to defend it, it would be much better to legalize these arms than suffer them to be kept clandestinely, especially as they were as necessary as locks and keys to the security of property; and as people could no more be deprived of the use of the one security than of the other, he proposed that the Grand Juries should be empowered to license such Catholics as they thought proper to carry arms; this he thought would produce much better effects than by confining this authority to the Privy Council.

Mr. *Gardiner* observed, that they were not yet come to that part of the Bill, which provides for SELF-DEFENCE. Having settled the question of PROPERTY—the next was that concerning the FREE EXERCISE OF RELIGION :—The first step to which he thought should be the registering of the Roman Catholic Clergy, and to prevent in future the admission of any regulars, but to give full protection to those already here, as from their exemplary conduct they were well entitled to the favour of the state; he would therefore by a general EMANCIPATION CLAUSE, take off all penalties from such Clergymen as should appear in person, take the oath, and register their names before a certain day.

Mr. *Ogle* said, he had no objection to Catholics enjoying every religious liberty consistent with decency. He desired to know whether there was any clause to prevent Monks and Friars from becoming guardians.

Mr. *Gardiner* said, that proper care should be taken on that head.

Mr. *Montgomery* (of Cavan) wished for an opportunity of considering the whole scope and tendency of the bill. Some other gentlemen expressed the same opinion. The House they feared

might go too far in granting privileges by piece-meal. They again expressed a desire of giving further time for consideration.

Mr. *Yelverton*.—The bill was heretofore opposed, because it was deemed too complex, many subjects being contained in one clause. The Right Hon. Mover, with the utmost candour, divided the clause into its several component heads; and now it is said to be too simple, enticing parliament step by step. How am I to attack this Proteous of opposition? With a simple bill. No, that will not answer, because it is simple—with a complex bill. No, that cannot be understood at all. Will gentlemen declare the true cause of their opposition? Or will they be like the Lady who said,

*I do not like thee, Doctor Fell,
The reason why, I will not tell;
But this I'm sure I know full well,
I do not like thee, Doctor Fell.*

Gentlemen carry expressions of humanity on their lips, but their hearts are far from toleration.

Will you, (continued he) give the Papists landed property or not? What purpose are you to give them this indulgence for? To incorporate them with the Protestants—that they have the same habits, and by imbibing a mutual confidence, blend and unite into one body of people. He then proceeded to obviate the fears of the *Protest*, in regard to the supremacy of the established religion. It was time for them to assume the dignity of a nation, and not continue what they have hitherto been, an insignificant colony. He contended there was nothing in the bill, which could encourage religious institutions; there was nothing before them but a mere question of form, as no more of the paragraph stood, but the amendment put the last night. The gentlemen in opposition had swallowed that already, but they were then disgusting the House, with vomiting up what they had already swallowed.

A matter of explanation followed between Mr. *Yelverton* and Mr. *Howard*.

Mr. *Rowley* contended, they should not go beyond the spirit of that act which confined Papists to the property of 999 years in land. He owned, that toleration should be granted in religious matters, and confined to that only, as otherwise it armed Papists with a power to return members to parliament.

Mr. *Ogle* said, it was not in the power of the ingenuity of man, to introduce any process which could answer the purpose. The danger is evidently great, from the certain interests Papists would inherit through the fee simple. In another light, would it not be a hard case to disfranchise a Protestant of his birth-right; for, as the bill stood, a Protestant deriving under a Papist, could not

vote at elections. Gentlemen might talk as they pleased, of the opposition given, it was not very easy to digest all at once, this sensible alteration in the political state of things. He would remind them of an historical circumstance not dissimilar: In the reign of Augustus, a courtier, to recommend himself by flattery, abused Cato, to the Emperor, who stopped him short, with remarking, "he is a good citizen who opposes every innovation on the commonwealth."

Mr. *H. Burgh* observed, that the subject was before debated, and the question carried by a majority; he would still advance a few words in favour of the clause. If the object of it tended to encourage the growth of Popery, he would certainly oppose it; but he thought it would have the contrary effect. He wanted to see the country united, strong in itself, by this combination, and consequently dangerous to the enemy. While it was impossible, but the realm should be partly Protestant, and partly Papist, they should be brought into union, for mutual defence. He despaired not of seeing this a Protestant country, by this very union, and since they had the experience of a century to witness to the good behaviour of the Roman Catholics, a doubt should no longer remain of giving them every proper indulgence. According to the just calculation of an Hon. Gentleman, it would take a million and a half of years to effect a thorough reformation, at the rate that conformity to protestantism has hitherto gone on.—Look into the History of the World, and you will find of what little consequence penal laws have been found to accomplish a reformation.—Those who brought about the reformation in England, spoke to the reason of men, but did not coerce their feelings. But in Ireland our fellow subjects are persecuted for one religion, without holding out a single incentive to induce them to embrace another. By adopting this clause, instead of discouraging, you will certainly encourage Papists to become Protestants; for it will ever become the interest of a Protestant landlord, to acquire an additional strength of interest in the country, by labouring to make his freehold Papist convert to the Protestant religion, and give him a superiority of strength at elections. It should therefore be deemed a bill for bringing about a liberality of sentiment that seems to barter religion for profit, and you will take away the shame of having sold them faith, (as in the case of discoveries) by leaving many a gentleman, (who scorns to take such an advantage, and is abashed from quitting the religion of his ancestors) to the liberty of free will and unconstrained conformity. What can you get by following the old system? You cannot interest men to become Protestants, who have no interest in the soil; nor can you appeal to the senses of those whom poverty and ignorance have armed against every appeal of reason. On the other hand, while you continue such a cruel system, you put it in the power

of any minister to oppose an irritated people against the lives of their persecutors.

Mr. *Warburton* said, he had no objection to allowing them the worship of their *little Jesus* and *St. Patricks* in every corner they pleased; it made no impression upon him; but he should combat the political property of the kingdom being suffered to get into their hands.

Captain *Hall* followed in an elegant and pathetic speech, on the cruelty of keeping the Roman Catholics any longer under that barbarous system, which drove them from their country, to the assistance of the American army, and to fight the battles of our natural enemies.

Major *Hely Hutchinson* said, that the committee having determined in a great measure, on the question of property, and given the Roman Catholics the liberty of purchasing the fee simple lands, the rest of the subject related chiefly to religion and education, which, as they were so closely connected, he hoped he should be excused for joining them together. From the example of a former session, and the fears of gentlemen of the best intentions, he was not so much surprised at the opposition the first clause of this bill had met with; but he hoped that no man would object to the doing away that part of the Popery laws which related to religion and education. A system of laws disgraceful, impolitic, and unjust—so disgraceful, that you were ashamed to execute them—so impolitic, that you dared not do it. Those laws have remained on your statute books for a period of eighty years, in profound and fullen silence, insulting the Roman Catholic, grating his feelings, upbraiding the policy, and dishonouring the justice of the Protestants of Ireland. By one law, it is enacted, that any Roman Catholic, going himself, or sending any other person abroad to be educated, shall be disabled from prosecuting any suit or action at law; shall forfeit all his personal property, and the profits of his lands during his life. By another law, there is a penalty on any Roman Catholic, who shall keep a public school. Now, Sir, as a Roman Catholic cannot receive an education at home, and dare not receive it abroad, the parliament that passed this law has said, we, in contradiction to the principles that have actuated other wise governments, enact by a law, that a great majority of our people are to receive no education at all. We mean to convert them from a false to a true religion, by establishing ignorance, the mother of superstition. We say to the parent, you shall not, in conformity to the dictates of God and nature, educate your child; you shall not teach him the duties of an honest man, or the obligations of a virtuous citizen, though we demand from him, that he shall respect laws he can only know, because they have trampled upon him, and venerate a constitution that has put him out of its pale, and doomed him to perpetual ig-

norance. If such have not been the consequences, if the Roman Catholic has been wretchedly ignorant, if he has not been reduced to the most contemptible state that any human creature can possibly be in, your efforts have not been wanting to make him so. But those laws have been fortunately overwhelmed by the pressure of their own weight; they have had that fate which every law must have, enacted by a legislator, who, descending from his tribunal, forgetting that nature has set limits to his power, shall convert himself from a law-giver into a persecutor. The cruelty of the law has been the antidote of the poison; it has not been executed; humanity has lifted up her voice and forbid the attempt.

In short, gentlemen, you are called upon to pass this law, by the example of every other enlightened nation in Europe; who, convinced of the unavailing cruelty of religious persecution, have said to their subjects, in the words of the Roman Emperor,—“take the ladder, and climb up your own way to Heaven.” You are called upon by the dismembered situation of the British empire, requiring the firmest union of all the remaining parts:—You are called upon by the most salutary, yet most painful of all lessons, your own experience, which tells you, that by a system of pains and penalties, you only rivetted the obstinacy, armed the pride, and oftentimes banished the gallant Roman Catholics of this country, into the service of a foreign prince, to publish our infamy and his glory wherever he went. If a Protestant should say to a Roman Catholic—why have you persevered so obstinately in a religion, certainly not so pure as mine;—he might reply to him—if, in your government, I had found any thing but persecution and oppression, in your laws any thing but cruelty, I might not have been inattentive to your call. But how have you endeavoured to convert me—not by the voice of persuasion—but by the cruel rigour of your law, which armed every generous passion of the human breast against you. You have refused me any stake in this my native land; you forbid me to educate my child; the hand of the executioner has been raised against the man, who should unite your offspring to mine—force is the clumsy supporter of a bad cause—truth and reason despise such an assistant.—It has been said by gentlemen in the course of this debate, that what has been done, and is now doing by other nations, does not apply to the situation of Ireland—I acknowledge it does not exactly; but I will tell you what applies and applies forcibly—the History of Christianity—the History of Mankind—the History of eighteen Centuries; they tell us, that persecutions, punishments, and even death itself, have been found insufficient to conquer religious obstinacy; for this plain and simple reason, the man suffering in defence of his religion, thinks that he is securing eternal happiness hereafter; the less interest sinks into the greater.—Human laws can therefore be of no avail: He glories in their ri-

gout; he exults in his punishment.—It has been well and truly said of the superstitious man, that his feet alone are on the earth—but his head in Heaven.

Permit me now to exhort you, by that manly spirit of freedom, which taught you to demand your right from another country, not to suffer yourselves to be reproached; that, whilst you were clamorous for your privileges as a nation, you refused to restore a great majority of your fellow subjects to their liberties as freemen; and to their great common law rights, as members of the British constitution. Unite with the Roman Catholics—you will become a great people, formidable to your enemies, respected by Great Britain—Remember the old political axiom—

“*Concordia Res parvæ crescunt,
Discordia maximæ dilabantur.*”

The clause was read, and passed without a division.

Mr. *Gardiner* said, he would read over the next clause in the bill, in respect to the registering of the clergy, and to prevent ostentatious ceremonies.—Gentlemen might deliberate at leisure, for he did not mean to precipitate one article. It enacted, that taking the oath of allegiance, and registering the Romish clergy, should null the effects of the present penal laws; with a proviso, that this benefit was not to extend to any of that denomination of clergy called *regular*; who shall not, before the first day of May next, take the oath, and be registered, and the same lodged with the proper register of the diocese wherein he lives; paying no more than the fee of one shilling for the same. The register, under the penalty of 100*l.* to transmit the same, every first of January, to the clerk of the Privy Council; with another proviso, that they shall not use any of their ostentatious ceremonies, nor erect steeples nor bells.

The Hon. *John Burke* said, he saw no sort of occasion in mentioning steeples or bells.

Sir *Lucius O'Brien* objected to go into the consideration of the proviso that night, as he had many doubts which he could not then explain, about those ostentatious ceremonies; it was too general a term. He should not like to see Franciscans and Cordeliers going about the streets in their clerical dress; nor would it look so well, to see the titular archbishop of Dublin, coaching about in his church habiliments, and with his crozier.

Sir *Henry Cavendish* said, he thought the bill should be confined to the two heads of property and religion.

Sir *Lucius O'Brien* confessed, that all those laws should be repealed, which wore the face of absurdity and cruelty. One law went so far, as to confine a Popish ecclesiastic one year in prison, before he was entitled to the benefit of transportation; and then

ran to the further extent of death, in case of non-conformity to the spirit of the statute.

Mr. *Yelverton* could offer many reasons, why little scandal could be given by their ostentatious ceremonies. They were always confined to their places of worship; and as to their going about in coaches, with their habits and crofiers, that was effectually debarred through their well known poverty. His object was not to establish, but to tolerate the Popish religion. It was a shame, if they had no other motive, to see an act in their statute books, which pointed out the impotence of the legislature to put in force; and hoped the idea would no longer be adopted, of refusing to put the Roman Catholics on a footing of security with themselves; nor keep so loyal a people as if they would put marks upon their foreheads, to put them out as stigmatised objects.

The Right Hon. *Owen Wynne* said, the Popish clergy should be put upon some footing of living, independent of expecting any contribution from the poor cotters of the kingdom, who were otherwise too miserably wretched. He meant for the established priests, not the regulars.

Sir *Lucius O'Brien* did not approve of the regulars, though his candour must acknowledge, that many among them have displayed great abilities. *Ganganelli*, and the Rev. Doctor *Arthur O'Leary*, are distinguished among the Franciscans; and many great men have been produced in the Benedictine order. He saw no temptation that regulars had for coming here, if it was not to abandon certain competence where they are, for certain poverty in this kingdom.

Mr. *Grattan* said, he could not hear the name of Father *O'Leary* mentioned, without paying him that tribute of acknowledgment so justly due to his merit. At the time that this very man lay under the censure of the law, which, in his own country, made him subject to transportation or death, from religious distinctions, and at the time that a prince of his own religion threatened this country with an invasion, this respectable character took up his pen, unsolicited, and without a motive, but that of real patriotism, to urge his own communion to a disposition of peace, and to support the law which had sentenced him to transportation. A man of learning, a philosopher, a Franciscan, did the most eminent service to his country. He brought out a publication, that would do honour to the most celebrated name. The whole kingdom must bear witness of its effect, by the reception they gave it. Poor in every thing but genius and philosophy, he had no property to stake, no family to fear for; but descending from the contemplation of wisdom, and abandoning the ornaments of fancy, he humanely undertook the task of conveying duty and instruction to the lowest class of the people. If I did not know

him (continued Mr. Grattan) to be a christian clergyman, I should suppose him, by his works, to be a philosopher of the Augustine age. The regulars are a harmless body of men, and should not be disturbed.

Mr. St. George declared, notwithstanding his determined opposition to the regulars, he would, for the sake of one exalted character of their body, be tolerant to the rest. But he, at the same time, would uniformly oppose the tolerating any more regular clergy than what were at present in the kingdom.

Mr. Yelverton said, he was proud to call such a man as Doctor O'Leary, his particular friend. His works might be placed on a footing with the finest writers of the age. They originate from the urbanity of the heart, because, unattached to the world's affairs, he could have none but the purest motives of rendering service to the cause of morality and his country. Had he not imbibed every sentiment of toleration before he knew Father O'Leary, he should be proud to adopt sentiments of toleration from him. He should yield to the sense of the committee, in respect to the limitation of regulars, because he believed no invitation which could be held out, would bring over another O'Leary. He thought it, however, but bare justice to allow them six months for qualifying; and to afford the regular ecclesiastic the unspeakable satisfaction of laying his hand on his pillow in conscious security.

Mr. Bushe moved, that the Roman Catholic clergy should be allowed until the first of August next, for qualifying.

Mr. Warburton observed, that it was a memorable day, that of the Hanoverian succession.

Mr. Yelverton pointed out the difference between seculars and regulars. They differed, he said, only in a different manner of living and in name; for, in respect to function, they were essentially the same. He was not afraid of an inundation of inhabitants to this country, even though they should be *regular* inhabitants.

Mr. Bushe said, it would be an inconvenience to banish the present regulars, but it would be unwise to suffer others to fill up their room, as fast as the present body should fall off.

Mr. Warburton read part of a printed paper he received that day, which prayed the humanity of the House, in favour of the *regular clergy*.—He took particular offence at the words *regular clergy*.

In vain did several gentlemen endeavour to clear the Monks, from any evil intention in calling themselves regular clergy; it was determined, like parson Adams, that they should be baited in their habits. The supremacy of the church was wounded; the barrier which fortified the constitution was assaulted; and before the motion was abandoned, as much was advanced upon this trivial

subject, as would have disturbed the meekness of *Sterne's Monk*, even from the comforts of his horn snuff-box.

The committee proceeded to the further consideration of the provisos.

Mr. *St. George* moved, that the word "now" should be inserted between the words "clergy, and in the kingdom;" it was agreed to, as well as the motion, to allow them six months for qualifying, after passing of the act.

Mr. *Bushe* moved, that the words "steeples and bells" should be left out; he remarked, that there was no law in force against erecting mosques or Chinese Pagodas, and that he should like to see such ornaments arise as steeples to beautify the country.

Mr. *Moffm* very properly reminded the House of the conduct of the Roman Catholics of Ballyragget, in respect to the white boys, and paid also some compliments to the corps of Kilkenny volunteers, among whom were enrolled some very respectable gentlemen of that religion, whose zeal, he observed, for their country, got the better of the restrictions of law, and arming in its defence, when it was threatened with invasion. Nor was their love for the constitution less conspicuous, he said, as they manifested in a late instance, when perhaps it was insinuated to them that their avowal of sentiments of liberty might create some enemies to them in their present application.

Mr. *Coste* and Mr. *Montgomery* (of Donegal) invoked the House to consider of what they were doing, to take care of the Protestant interest, and not to do that in one hour, which their posterity might be centuries in repenting.

The clause and provisos being gone through and agreed upon, the committee reported some progress, and obtained leave to sit again on Friday.

WEDNESDAY, FEBRUARY 27.

Mr. *Eden* presented heads of a bill for establishing a national bank.

Mr. *Eden* began by stating that Ireland stood singular among commercial nations, in the want of a public bank. He stated the authenticity of the species of establishment in different states of Europe—that the bank of Venice had been framed so early as the 12th century, that of Genoa in the 14th, and the bank of Amsterdam in the beginning of the 17th. That the capital of the Genoa bank was founded in the public debts, the subscribers or persons who purchased the debts having the customs assigned to them. The bank of Amsterdam was, in the strictest sense of the word, a national bank, the state being the cashier of the inhabi-

tants, and the registers of all commercial transactions. Various books were there opened, and separate accounts there kept of debtor and creditor. It was a great deposit of money, the smallest sum being paid for the liberty of depositing, and the credit of the deposit passing from hand to hand, not by the payment of money, but by the mere writing off from one account to another. A balance of the small profit was annually struck and given to the poor. He next observed that the bank of England had been established in 1694. Its original capital was 1,200,000*l.* at 8 per cent. its present capital about 11,000,000*l.* partly at 3, partly at 4 per cent. It had in its first origin, struggled through many difficulties, but by the prudence of its governors and directors, had risen to that degree of strength, by which it had since supported the whole monied credit of Europe. He said, that the profits of this bank were made by dealing in bullion, by discounting bills of exchange, by advancing money to government on the credit of acts of parliament, and by circulating their own bills. That about the same time the bank of Scotland had been established upon a very small capital, which had been managed with great success to its proprietors, and great utility to the public, upon a principle peculiar to itself. It was not the custom of that bank, as of others, to assist individuals in discounting bills, but by giving them loans from day to day for any sum, and for any time, in proportion to their credit. Of these different species of establishments, he should propose, he said, in the present bill, to adopt the intended institution as nearly as might be to the model of the bank of England. He intended to name so small a capital as 500,000*l.* because it seemed enough for a first beginning, and might easily be enlarged in a subsequent session; in order to facilitate the subscription, he would next propose to receive debentures for the whole sum to be taken at par. This would take about one-third of the whole outstanding debentures, which would be forthwith cancelled, and converted to bank stock, bearing a perpetual annuity from the state of 20,000*l.* a year. As those debentures are more than 20 per cent. below par in their price, and as the subscriber would continue to draw the full interest, exclusive of the profits to be expected from the bank, a possible competition might arise among the holders of debentures for a preference in the subscription. With that view he had framed a clause, to authorise receiving a premium for such preference, to be applied to the use of the bank for building and other purposes. The whole capital stock above-mentioned would be the vested, unalienable security for the dealers with the intended bank, and would give it that credit which is essential to such an institution. That the intended duration of the bank, was to the year 1794, when the nation would have it in their power either to redeem the debentures, or continue the institution. That the

corporation would be prevented by a clause, from dealing beyond the amount of their capital, and that they were required also to discount *at 5 per cent.* and neither to receive nor pay, in any instance, at higher interest.

He enlarged here upon the distinction between high and low interest; said, that a high interest proved rather the small advance of commerce, than the scarcity of gold and silver; every man might be proportionably rich; but if the landed interest was more attended to than the commercial, the riches would circulate with difficulty, and there would be more men desirous to borrow, than are willing to lend. On the other hand, that low interest was no proof of the plenty of money, it proved only an increasing industry, which enables individuals to accumulate, and furnishes them with the means of lending. High interest had various bad effects; exclusive of its implying always a difficulty of getting money, it is a great deduction from the profits of what is carried to market. Sir John Child had estimated that one per cent. in interest, was equal to two per cent. in duties, the effect of the interest of money pervading almost every circumstance, and the whole detail of trade—and influenced by all accidents, delays and losses. High interest was also an inducement for the moneyholder to live upon his income, rather than to risk it in commercial enterprizes. It was, in short, a cause and consequence of national idleness. On the contrary, low interest of money, and low profits of merchandize mutually form each other, and low profits have the farther good effect of rendering merchandizes cheaper, encreasing the consumption, and extending the demand. Lowering interest, as was proposed by the present bill, might inspire a disposition to throw money into commerce; and by encreasing industry to promote frugality. Accumulation furnished the means of further loans at low interest; and thus, first lowering of interest tended to lower it still further. He said, that all the consequences of industry thus increased, might be followed to an infinite extent—the multiplying of manufacturers—the prevention of emigrations—the raising the value of lands and debentures—the extension of foreign commerce—and the establishment of public credit. He trusted, therefore, that the bringing forward of such a bill, would be a most unequivocal proof of earnest wishes to give public opulence and strength. Many further ideas had occurred to him for the extension of the scheme, but he would leave them to a subsequent session. The equalization of the currency of the two kingdoms was certainly to be wished, though not at present to be brought forward. He had also had it in view, to propose clauses for the payment of orphan's money, and other sums of a similar nature, pursuant to what is done under the account general, and chancery of England. And it would be undoubtedly the wish of parliament, if the proposed scheme should be carried

into execution, to give an ample compensation to the present respectable teller of the exchequer; and to direct the public money to be received at the bank, as is the practice in England. This also, he thought, might be better postponed for the present. It was to be wished, that a cordial understanding might always subsist between government and the bank—but nevertheless, a sufficient guard would be found in the present bill against any possible abuses on the part of government:—and it was a great advantage that the present scheme was brought forward at a period, when the nature and necessary regulations of a bank were so well understood. The whole turned upon this short principle—from the increasing state of Irish commerce, it was become essential to the prosperity of the merchants, and to prevent their hopes of an extensive trade from being nipped in the bud, it was necessary that an increased credit should be lodged either in the hands of private or public banks: the reasons for preferring the latter, were too obvious to be specified. It was impossible there could be a more respectable set of bankers in any metropolis of the world, than had long been established in Dublin—but their dealings were necessarily much too confined for the speculation, which the nation might at present entertain; and he hoped that the present design would not only be prosperous to the nation, but compatible also with their personal prosperity. He had not consulted with them in this early state of the business, nor indeed with their respectable persons, because he thought the utility of the present proposal ought to stand with the nation upon its own intrinsic merits. He merely wished to bring it forward, and to leave it without prejudice, and favour to the treatment it might be thought to deserve.

Mr. Ogle.—In my opinion this scheme leads to nothing but confusion and distress. It is very odd that a measure which was reprobated last session should be introduced at so late a period of the present. I never will agree to any measure calculated to overturn public credit and the commerce of the country. Why did not the Right Hon. Gentleman consult with those persons who could give him the best information on that subject? With those who, to their own honour and their country's great advantage, have carried on the banking business here in an extensive manner? If he had, he would have known, that by such an experiment Scotland was nearly ruined. There are no banks where government has not an interest, and an influence, if we except those of Dublin, to which government has often been indebted for support. It is a bad measure to establish a bank for ten years, against the interest of banks, which, if left to themselves, will last for ever; and it is a most unjust and ungrateful return to the bankers of this country, who have supported national credit. In justice, therefore, to those Gentlemen and to my country,

I rise to oppose a lottery which may draw ruin upon our commerce.

Mr. *Eden* said, that it had not been introduced last session; a scheme indeed for a national bank had been talked of out of doors, but never introduced into parliament. He said, that the reason why it was to be established for ten years was, that it might be brought from time to time under the eye of the legislature, in order to gain a new and improved existence.

Sir *Lucius O'Brien*.—If this subject had been introduced in the beginning of the session, I should have suspected that the Right Hon. Mover intended it as the source of some extraordinary supply—but coming in at this period I have no ground for that suspicion—and as it can have no other object in view but the improvement and advantage of this country, I do most heartily embrace it. I have considered with my best attention the institutions and regulations of the principal banks of Europe, particularly those of Genoa and Amsterdam—Venice, Vienna, and the newly established bank of Paris, and my opinion is, that there are none of them whose regulations are so well suited to the constitution of this country, as those of the bank of England. I have read over the plan intended by the Right Hon. Secretary, and assert, that it most perfectly coincides in the whole, and in each of its parts, with the principles on which the bank of England is established.

From the moment that we obtained a free trade, I saw the necessity of this measure; every man has experienced the want of it; and now that it is offered, I trust it will not be refused. There is not a person in the state, from the most affluent subscriber to the lowest mechanic, that will not be benefited by it. There is at present one million and a half circulating in debentures. If one-third part of those debentures are suddenly taken out of the market, surely the value of the remainder will be enhanced. By this institution, manufacturers will be able to get money at 5 per cent. As things are at present circumstanced, they sometimes find it impossible to get it any rate of interest; and if so, Sir, how is it possible for our manufacturers to contend with the manufacturers of other countries where money is at an easy interest? In Holland it may be had at 2 per cent.—in France at 5.—I am confident that when this bank is effectually established, it will reduce discount here so low as 4 per cent. and if discount should sink so low, the fall of the national interest will follow. Now as to land, Sir, this bank will add an intrinsic value to every acre in the kingdom, and as I have a good many of those acres, such as they are, I consider it as a benefit conferred on me, and every other man of landed property. I am not much suspected of any very violent attachment to administration—but when they offer an advantage to the country, I am willing to receive it, and to give them

full credit for it—we should gladly seize the opportunity—for the time may come, when a more timid or less able administration, will fear to make us such an offer. Every wise man has lamented, that a similar plan proposed about forty years ago, was thrown out in the House of Lords.—It is just as good as if 500,000*l.* were to be suddenly brought into this country and thrown at once into circulation. The Right Hon. Secretary has said, that this measure will lead to a mint—I am glad of it—I rejoice in every *insignia* of an imperial crown—every mark of our being an independent nation. The Right Hon. Secretary has acted wisely in making his plan precisely agreeable to that of the bank of England; for though special care must be taken to prevent the power of government over it—yet a friendly intercourse between the bank and government is absolutely necessary—and I hope through this means to see all the subordinate treasureships throughout the kingdom absorbed by the national bank.

Mr. *Ogle*.—This is the third time this idea has been brought forward in this House: I hope it will be the third time of its being rejected. I oppose it on its general principles, and I oppose it as unjust to Gentlemen who have supported the credit of this country by a liberal system of banking; and I think it wrong at a time of general commotion to disturb the nation with such lottery schemes as this.

Mr. *Foster*.—There was not any bill brought into parliament last session for a national bank—the subject was indeed talked of out of doors, but never came before the House: I did then support the idea as I shall do now. I think it leads to all the marks of a great and independent nation—it gives a spring to commerce, promotes manufactures, and raises the value of land. The reduction of interest is the chief thing this country now wants to enable her manufacturers to contend with foreign nations; and as a principal object of this scheme is to lower interest, it is obvious that every man in this kingdom must be benefited by it.

Mr. *Clements*.—I should be extremely unwilling to adopt any measure that could injure the bankers of this country—they are a set of Gentlemen who have merited the public favour—but I am convinced this measure cannot be injurious to them; and I do highly approve of it, for if we are a commercial people, we cannot do without it. The present system often leaves a merchant with his drawer full of the best bills, unable to get a guinea: A circumstance which can never happen when a national bank is established, and therefore, as a friend to the merchant, and to the commerce of this country, I will support it.

Mr. *Flood*.—I rise not to disapprove, or wholly to approve of the scheme of the Right Hon. Gentleman—it is a strong medicine, and must have a powerful effect—the measure should have been brought on sooner. I agree that it is not the object of an im-

mediate loan, but it will be in future ; it will be an engine of very great good or of very great evil. I cannot pretend to give a decided opinion on this subject, for though I have carefully read the best authors that have written upon banking, yet I do not find that any two of them agree ; nor do I find that there is any such thing as a clear demonstrative system of banking in the world ; it is therefore impossible for the House in the course of a week to digest and settle every principle of so great an undertaking. I wish it had been propounded earlier in the session—I own I find some difficulty in understanding it.

Attorney General.—I rise to explain to the Hon. Gentleman, because it is to me as clear as any subject possibly can be. The subscribers deposit 500,000*l.* worth of debentures in the hands of government, for which they receive 4 per cent. This is their first deposit : Upon the credit of this deposit they are at liberty to issue notes, for the purpose of discounting bills, or otherwise, to contract debts, (for every note is a debt) to the amount of their capital, 500,000*l.* but no further, and this is their great source of profit. The reason of this circumscription is obvious, for could such a bank possibly stop, no man could lose a shilling, the original deposit being in the hands of government to answer demands. This bank is intended for the encouragement of commerce, it is therefore only permitted to deal for an interest of 5 per cent. as this must greatly facilitate the trade of the country.

Mr. Flood.—There is better security in the Irish banks at present, than can be found in any country of Europe where there is not a national bank. The bank proposed is not a national bank, except its notes are as good as gold ; and I assert that of the bank of England are not, for that bank has been near bankruptcy more than once. There is at present as good security here as in England : There is no other country in Europe where the whole property of the banker is public security. The bankers conduct their business with the utmost integrity, and advantage to the commercial interests of Ireland, and to injure such men is very great injustice. I do not think a mint is an *insignia* of liberty, it was offered by Lord *Stafford*. I would receive a good thing even from him, but I would not receive a bad one. It has been said that high interest is not a mark of poverty in a state, or that low interest is not a mark of wealth ; but will it not be allowed that money is a commodity ? When it is plenty in the market, it will be cheap, that is, its interest will be low ; when it is scarce, it will be dear, that is, its interest will be high.

The Provost.—This is a measure which I have urged to every administration for ten years past, but have not found one that had an ability to undertake it but the present. The banks of this country have been upon a scale infinitely below the demands of

commerce, even in its former restricted situation, and how much more when it shall extend to every climate on the globe? The best bank of Ireland seldom extended its circulation beyond the town in which it was situate, but when a national bank is established, it will, like that of England, circulate wealth through the most remote parts of the kingdom.

As banks are at present circumstanced, they do not give the merchant or manufacturer that assistance which might be expected from them; for it depends upon accidental circumstances, nay sometimes upon temper, whether a merchant can get his notes discounted at all. But formerly it was worse—in the year 1760, no bank in Dublin would discount a note—the merchants could not circulate their own paper—trade was totally obstructed; nor could the circulation be renewed till this House passed a vote of credit of 500,000*l.* for the banks of Dublin, and saved the nation from ruin. From that moment I saw the necessity of a national bank. Gentlemen say that the present paper circulation is the best in the world; I differ from their opinion, as I think that paper which must go to another House to receive life and motion is the worst; but the bank proposed is the true spring of commerce, and must be highly advantageous to the possessors of landed property. At present a man of large estate may want to raise 5000*l.* He may want to sell 5000*l.* worth of land; a very wealthy merchant chuses to buy, but has not so much cash out of the course of trade—he has good bills indeed—his own paper is good—but he can get nothing discounted—consequently he loses a desirable bargain—the gentleman a purchaser for his land. But this can never be the case under a national bank; every man of known wealth and probity may be sure of discounting; and the commerce of the nation will not be again obstructed. It has been said that the bank of England was more than once near failing; it is certain that in 1745 that bank refused to discount, but it should be remembered, that in that same year it supported the national credit, and helped to maintain the present illustrious family upon the throne.

Mr. Flood.—No man has a greater respect for the opinion of gentlemen concerned in commerce than I entertain, but this is not a question to be decided by the opinions of merchants, it is a great question of state, and requires all the wisdom of the House to determine.

The bank of England is not a national bank, because the nation is not security for a shilling; if we except the sums which the nation has borrowed from that bank, and which it is certainly bound to make good. When England adopted this measure of a bank, she was in a situation very different from this country; it was in the beginning of the present century; at a time when her commerce extended to every part of the world. She had carried trade almost to its perfection, before such a scheme was deemed

necessary; and its necessity even then arose from the difficulty with which paper circulated in England; nay, interest was at first obliged to be allowed, and even on notes of the bank.—Now what analogy is there between England, so circumstanced, and this country? Our commerce is comparatively nothing, but our paper circulation the best in the world. Certain failures no doubt have happened; but the consequence of these failures has been the most perfect code of bankrupt laws that ever was contrived. The whole property of every banker is at present a stake to the public. Bankruptcies will happen in every trading country. The bank of England has stopped payment. It has descended to the petty expedient of paying its notes in the smallest denomination of silver. It is proposed that we should give a certain number of men a power of coining paper into money. [Sir *Nicholas Larwles* said, in a whisper—private persons do it every day.] I admit they do, but it is better security than that now proposed, for this bank is not a national bank, except the statute guarantees the money. If that was the case, a note would be just as good as gold, with this difference that gold is current throughout the world; a note only in a particular state. What do the present bankers make fortunes by? By issuing notes: the greater number they issue, the greater their profit. The probability then is, that they issue as many notes as they can do with safety, and that the market contains as much paper at this moment as it can bear. There is nothing stated in the bill concerning any inspection, and I think it is plain from that, that government intend to keep it under their own controul.

The bank is to have a power of borrowing a sum equal to its capital, at 5 per cent. This money will come from England, consequently the interest must be sent thither from this kingdom. Many abuses may arise in this bank; the necessitous gentleman will there mortgage his property; and it is easy to conceive what an influence the dispersing of six hundred thousand pounds will give the directors; nay, it is probable some very improper risks may be made. The man of caution who would not venture his own property rashly, may, notwithstanding, be tempted to throw one thousand pounds into the bank, in order to have a power of speculating with six hundred thousand pounds.

The export trade of every country is the most profitable; the importation of luxuries the most injurious. Now this bank will directly promote the latter, and consequently injure the former. Every one knows with what facility a credit may be obtained in England, for almost any article of luxury, or any article of those manufactures which rival this country. Credit being once obtained, the adventurer who at this bank can have his paper discounted to enable him to pay the duties, will be at liberty to speculate

without bounds, and we shall have our manufacturers overwhelmed with a load of importation.

Sir *John Blaquiere* said, he remembered another plan that had been offered for the advantage of Ireland, and which, God forgive him, he suspected had been opposed for the same reason that this was—because it came from the Secretary of the Lord Lieutenant—he meant the Absentee-bill; but he hoped that the principle would not be carried to this bill, which promised so much advantage to the nation, and which, if now rejected, might never again be put within our power; we might not again have men of sufficient boldness, sufficient ability to carry it into execution. It was not, he said, a splendid but a useful measure, and should be joyfully adopted by every friend to Ireland.

Captain *Burgh* said, that he could not concur in the postponement of the subject: He said the scheme was so excellent that he would not believe delay would be dangerous to the success. But as he considered the measure an acquisition to this country, delay would indeed be injurious to the merchant. He admitted that some merchants had petitioned against the bill, but on what grounds? Are they so nervous that they cannot bear the sudden joy of being told that they shall in future discount their bills at five per cent. instead of six.

The arguments that have been used against this bank, have in general gone to all banks and banking whatever. He said, he would not follow gentlemen through their various authors, on paper circulation—he would take up banking as he found it, and assert it is with banks as it is with arms, no one nation can lay them aside except others agree to do so; it is a support to their country that they are habituated to—it is a national use, because it assists trade—and with submission to the merchants that petitioned against the measure, he did not conceive it was a measure of actual necessity.—It is an undoubted fact, that no man can be more respectable than the bankers of Dublin; and in consequence of the public respect they may soon be enabled to leave off discounting. Is there a law to compel them to continue one hour; nor is there a law to compel them to discount at five per cent.

He desired gentlemen to consider the scheme before them, it had three great features:—permanency—low interest—and high security.—

The security had indeed been cavilled at as to the quantum, and as to the nature of it—but who can say that six hundred thousand pounds is not a monstrous security? He said it was more than any bank would give.

As to the nature of the security, he said, that was one of the wisest parts of the bill, for it brings six hundred thousand pounds into public circulation, that is now a public burthen.

He observed, that the clause of buying bullion was an admirable one—by bullion, he meant all uncoined gold and silver, as also all coin that is not current in this country, of which there is frequently a great deal; but it has neither circulation nor certain price. He said, he had often seen a piece of foreign coin sell for two or three different prices in one day.

He said, knowing where to sell bullion at a fair and certain price is a great acquisition; it is brought into this country by ships that call here from the East Indies, by trade, by prize money, and by the expenditure of ships crews, in your several harbours.

It is computed that the loss of sending bullion to London by freight, insurance, &c. and bringing back money for it, instead of selling it here at London price, makes a loss of six per cent; whereas, when the bank of Ireland buys bullion, if the quantity they acquire is very considerable, it may be coined here if his Majesty chuses it; or bullion may be remitted to the bank of England, and applied in the discharge of annuities and other sums that may be due in England, both bullion offices having the same price; this could be easily transacted, and would so far serve to retain your current coin at home.

THURSDAY, FEBRUARY 28.

Mr. *Beresford* mentioned that he intended to make a motion, and being called upon to proceed, he observed, the city was extending much to the east end of Essex-bridge; by which reason it was necessary to open the avenues between the south and north sides of the city. He observed, that some time ago it was proposed in parliament, to build a bridge somewhere opposite Bachelor's-lane, and to open the avenues on each side of the river from Southwell-street to College-green, a plan of which he presented to the House, together with an estimate of the expence, the purchase of the ground, &c. being calculated at upwards of 72,000*l*. That the sale of the ground, by the commissioners to be appointed, would amount to upwards of 52,000*l*. so that the whole money wanted, exclusive of a bridge, would amount only to about 15,000*l*. He then moved, an address to the Lord Lieutenant, to lay before his Majesty the request of that House, that he would be pleased to order the sum of 15,000*l*. to be paid to the commissioners for widening the streets and avenues of the city of Dublin, and that the House would make good the same.

The address was ordered to be taken into the consideration of a committee of the House to-morrow.

As soon as Mr. *Beresford's* motion was agreed to, Mr. *Eden* took the occasion to say, that the grant for building public records now carrying on at the King's-Inns-Quay, was in the stage of advancement which made it necessary to decide on a plan for the center of building, and this consideration was likely to come before the Lord Lieutenant, who wished to give his approbation to whatever plan was best calculated, not only for the ornament of this improving city, but the general utility of this kingdom. With this view the noble Lord who so worthily presided at the head of the law, and a noble Prelate at the head of the church, whose munificence and taste have been productive of various advantages to the nation, had laid before his Excellency a plan for building of the Four-Courts and the Inns of Court. He meant, on a subsequent day, to lay that plan on the table, and if any of the very respectable members of the law, who were present, or any other gentleman, wished to suggest any thing on the subject, he would be glad to have the benefit of their sentiments. One of these gentlemen (Mr. *Yelverton*) had in the present session brought forward a bill which much accorded with this plan, for adding respect to the law and its professors.

Mr. *Yelverton* observed, that early in the session, he had brought in heads of a bill for the modification of Poyning's law, and the better transmission of bills to Great Britain; that the bill had lain on the table ever since, but had no opportunity of moving the committal of the bill since, on account of his avocations, and of the business of the House. He then moved for the bill to be committed for Monday next.

Mr. *Flood*.—I differ in a very great degree from the opinion of my learned friend, who thinks a modification of the law of Poyning's necessary—if I did think any modification of that law necessary, there is no man in whose hands I would more cheerfully confide the management of it—but I assert, that there is no alteration or modification of this law wanting, the true intent and meaning of the law leaves the constitution perfect, and nothing but corruption on one hand, and pusillanimity on the other, has brought this blemish upon it. But I have no objection to discussing such subjects—and if it can be shewn that my opinion is erroneous, the constitution is in a very bad way indeed. Every man who thinks the constitution is not hurt by the law of Poyning's, must see that a modification is not necessary, there is nothing required but a little steadiness in the Irish parliament to have it enforced according to its true intent—but if by a declaratory law you restrain the constitution of it—you take away from the constitution that support which the original law was intended to give to it.

The *Attorney General* thought the present heads were much worse than Poyning's law. He moved that it should be com-

mitted on the 8th of April next. Agreed to, and the bill ordered to be printed.

FRIDAY, MARCH 1.

Mr. *Yelverton*.—I beg leave to mention to the House a business of great importance to the nation: I have long observed in my practice, that the people of this country, conscious of their own independence and the supremacy of the Irish legislature, refuse to pay any respect to such British statutes as affect to bind Ireland, but have not been re-enacted here. An instance of this occurred in the county of Kerry some time since: A smuggling vessel, directly from the West Indies, laden with rum, was seized by the Custom-house officers; they proceeded to trial, to have her condemned, but the jury refused to find a verdict against her, because there was no Irish act of parliament prohibitory of that trade. The owners of the smuggling vessel then commenced a suit against the Revenue-officers, and though they acted under the sanction of a British statute, a jury refused to pay any respect to it, and found damages against them: But this is only one instance amongst many, they occur daily, and some remedy ought to be applied. I think it would not be difficult to frame a law adopting all those English statutes, which appear to be for the advantage of our commerce; and since we have obtained a free trade, this measure becomes necessary. The British laws that now remain and affect to bind us, though a constitutional evil, would certainly be a commercial advantage if adopted as our own; to unite the two countries in the strictest bands of friendship, an exact similarity of constitution will greatly conduce. I shall, therefore, move for leave to bring in heads of a bill “to give force to such British statutes as have been enacted for regulating the commerce of this kingdom.”

Mr. *Grattan* supported the intention of Mr. *Yelverton*. He said, that when in a former debate he had heard it alledged, that by a declaration of this nation's independence, *property might be shaken*, he was convinced the suggestion was idle, it was intended only to alarm *private interest* in opposition to *public good*. He knew that a vote of the Commons could not injure property, though it might assert the rights of this country; and he would support the bill proposed, because by construction it went to that point; for if an Irish act of parliament was necessary, as he knew it was to give force to British statutes in this land, it was a demonstration that without such an act they had no force in themselves; he recommended, however, to his learned friend to specify and adopt only such as were clearly for the advantage of Ireland, and

to reject with disdain the tyrannic acts which presumed to inflict pains and penalties on the subjects of Ireland, acts as insolent as they were impotent. He desired to know why the Post-office was not put under an Irish law? Or why any man, or set of men, should take upon them to collect money in Ireland without the authority of parliament?

The House resolved itself into a committee on the **POPERY BILL**, Mr. *Dillon* in the chair.

Mr. *Gardiner*.—Hitherto we have endeavoured in framing the bill, to conciliate the opinion, and obtain the support of every gentleman in the House, and we have had the good fortune to succeed in two points of the greatest importance to the Roman Catholics, a full right of possessing property, and a free exercise of their religion; but in the remaining parts of the bill, which regarded matrimony and self-defence, I find that gentlemen differ widely—for which reason, as I would not risk a *certain good* both for this country and its Roman Catholic inhabitants, by pursuing further advantages, I propose to stop in the present bill, just where we are; and having given it the form of law, submit it to the other branches of the legislature. I shall then, Sir, present two new bills, providing for what the first has left undone. By one of them it is intended to provide for the education of Catholics, and to this end, I propose to repeal the laws made against Popish schoolmasters and ushers, and to suspend for a limited time those laws which prohibit Catholics from receiving foreign education; for as there are no seminaries in Ireland where they can be instructed, it is cruel to prevent their being instructed abroad, at least till proper seminaries can be instituted at home.

Mr. *Fitzgibbon*.—I declare that I will use every means in my power to prevent Roman Catholics from receiving a foreign education; and if there were not laws in force I would propose new ones to that purpose. After what has been done for Roman Catholics, after we have gone more than half way to meet them, will it be said, that they should not come one step to meet us? Will they continue to send their children to France, to Spain, to Portugal, to imbibe principles of freedom, or attach them to the constitution of this country? Or will *you* suffer the Roman Catholics who make a considerable body of the people, to resort to regions of bigotry and superstition, to imbibe principles of positive obedience, and every idea hostile to liberty? I am not so unreasonable as to say, Catholics should receive no education at all, as the laws now in being would seem to enforce; but when I know, to the honour of the present heads of the University, that they are received in it at this day by connivance; and when I have every reason to think that his Majesty, if applied to, would be graciously pleased to give his royal assent to a statute for grant-

ing them free admission, I think that, if they persist in sending their children abroad, they are unworthy the favours they have received. The University of Dublin is open to them, and if they decline the advantage, it is not on account of religion, for no religious conformity will be required; but for fear their children should in early life, imbibe the principles of a free constitution.

Mr. *Mason* expressed great indignation at the cruelty of the laws which prohibited Roman Catholics from receiving education, either at home or abroad. He wished to give them the most liberal education, and thought the University the best place of obtaining it.

Mr. *Bushe* was of the same opinion. Will any man tell me, said he, that Roman Catholics are not more likely to imbibe constitutional principles at home than in foreign seminaries? Where, under the specious pretext of charity, the court of France actually pays considerable sums annually, to prejudice young Irishmen against their country's constitution. I am well informed that for the Irish Catholic priesthood, there are at all times from one to two thousand persons in course of tuition.—Now whether it could be made convenient to the University of Dublin to receive such a number in addition to the present establishment, is a question of some difficulty.

As to marriage, Sir, I think it is a point of the greatest importance in the whole bill: The abuses of this contract, which base men under sanction of the present laws have committed, call loudly for redress. By allowing of marriages between Roman Catholics and Protestants, we do more for the Protestant religion, and the safety of this country, than by all the laws we have ever enacted. The Protestant religion is the religion of the state—every man of property will incline to it—it is the road to every object of ambition—and consequently the children of every marriage where there is property, will be educated in the Protestant faith. Besides this, by marriage a thousand new affinities, and ties of friendship are formed, all tending to unite the people and bind them to their country. When we stand side by side in the glorious ranks of Volunteers, it is natural to say, I depend upon this man, I have long known him, he was my school-fellow. This man is my cousin, I have no doubt of him—and is it not tie, no cause of confidence to say, this man is my brother?

Mr. *Ogle* and Mr. *Yelverton* were of the same opinion.

The Right Hon. the *Attorney General* rose to declare, that it must be understood that no suit commenced before the passing of this act should be affected by it.

Sir *Hercules Langrishe*.—My Right Hon. Friend has perceived that nothing can be so good for the Roman Catholics and the welfare of this country, as that which may be obtained with

unanimity: He has therefore collected the opinions of different gentlemen, and finds that though they are pretty unanimous on the subjects of toleration and property, there is some diversity as to other points. He has wisely, therefore, separated these points from those on which we are all agreed, and there now remains nothing but to put what we have resolved to grant into a parliamentary shape, and clothe it in the usual form; and I must observe, that though we have granted the Roman Catholics almost every thing, we have deprived ourselves of nothing; though we have given them our hearts and our affections, which they have merited by ten thousand acts of loyalty; we have bestowed our bounty from a source which grows by giving—from wisdom animated by generosity.

The Provost.—The objects of this bill are so various that I think the Right Hon. Gentleman has acted wisely in reducing them to different heads; by this means many precautions may be taken that otherwise could not be so easily adopted: I shall, therefore, follow the rule he has laid down, and confine myself to education.

My opinion is strongly against sending Roman Catholics abroad for education, nor would I establish Popish Colleges at home; our gracious sovereign, who is the legislator of the University of Dublin, may, I think, with ease be prevailed upon to pass a statute for admitting Catholics; and whenever I receive his pleasure on that subject, I shall be truly happy in obeying. The advantage of being admitted into the University of Dublin, will be very great to Catholics: The Fellows and Tutors are men, not only of most exemplary morals, but of the most enlightened understanding, devoted to virtue and sound philosophy; they are capable of imparting morality and knowledge to those placed under their direction, and in this they are aided by possessing an extensive library, and by having professors of every science. If Roman Catholics are to participate in these advantages, if they are to be admitted into the University, they need not be obliged to attend the divinity professor, they may have one of their own; and I would have a part of the public money applied to their use, to the support of a number of poor lads as sizers, and to provide premiums for persons of merit; for I would have them go into examinations, and make no distinction between them and the Protestants, but such as merit might claim. Why should they not obtain degrees upon taking the new oath? And if those people dare to worship God in their own way, why should not the academic badge they wear on their shoulder be a mark of spirit, and a pledge of the union and harmony between them and the Protestants?

In order to prepare Roman Catholics for the University, I would encrease the number of the diocesan schools, and have

Catholics instructed gratis in them; from thence they might come to Dublin, where they could live upon easier terms than in any other part of Ireland, if it be considered that almost every family in the kingdom have friends or relations settled here.—By these means Roman Catholics might fill their minds with sound philosophy, and I think it would be highly honourable to the legislature to pursue only such means as these.—I am an enemy to force when applied to the mind; no man was ever terrified into wisdom; let us by gentle means induce Roman Catholics to receive all the information they can; in God's name, let them chuse for themselves. As to property, they have as much right to possess it as they have to breathe the air; and when the House granted them property, (I speak without disparagement to the generosity of the House) it granted them but a right. Toleration is also the birth-right of man. As to their priests, we might indeed have limited the number; but we want rather to unite them to the state by indulgence, and acts of kindness, than by putting them under any restraints, give them cause to think they had an interest separate from the rest of their countrymen. But it is certainly a matter of importance that the education of those priests should be as perfect as possible; and that if they have any prejudices, they should be prejudices in favour of their own country: I therefore think that a clause to regulate their education will give this bill the best assurance of success—the present laws are disgraceful, they prohibit the Roman Catholics from receiving any education at all, and therefore should be abolished. The Roman Catholics should receive the best education in the established University at the public expence; but by no means should Popish Colleges be allowed, for by them we should again have the press groaning with themes of Controversy, College against College, and subjects of religious disputation that have long slept in oblivion, would again awake, and awaken with them all the worst passions of the human mind.

A clause was proposed for repealing so much of an act of Queen Anne, as allowed a presentment to be levied on the Roman Catholic inhabitants of a county, to make good damages committed where the crew of a privateer landed in the time of war. This was agreed to unanimously.

Another clause was proposed to be inserted, to repeal the law now in being for preventing Roman Catholics from holding houses and lands in the city or suburbs of Limerick or Galway.—That was also agreed to.

A clause was likewise received for repealing that part of an act, which prevented a Roman Catholic from having in his possession, or his own property, a horse of more than the value of five pounds.

Mr. *Bushe* expressed a desire, that a clause should be inserted in the bill to ease the Roman Catholics from a most oppressive law, now in being, which compels them to make good the depredations committed by robbers in the county in which they reside. He instanced a transaction, which happened within his own knowledge, in the county of Kilkenny: A number of villains, under the denomination of White-boys, assembled a few years since, and did considerable mischief; the Grand Jury, from the affidavits of the sufferers, granted a presentment accordingly; a short time after, one of the offenders was apprehended, who proved to be a Protestant, and was executed for the offence. He said, there was no other proof required by this iniquitous act, to obtain a presentment on the Roman Catholic inhabitants, than to swear that the plunderers spoke with the Irish accent.

Another hardship that the people of this persuasion laboured under, from this oppressive law, was, that an individual could be compelled to pay the whole sum, notwithstanding he lived in a distant part of the county from the place where the offence was committed.

One of the members told of a gentleman, who resided within a mile of his own house, and near thirty miles from where the offence was committed, on whom they levied the amount, by virtue of an execution taken out of the Crown-office, and that he and his family were beggars about the country ever after.

The House at length agreed to report some progress, and the committee adjourned 'till to-morrow.

Mr. *Flood* moved to bring in heads of a bill to quiet possessions held in this kingdom, under English acts of parliament.

Mr. *Beresford* moved the question of adjournment.

Mr. *Flood* replied with great ability; pointed out the necessity there was for rendering the possessors of estates under such predicaments, free of all fears and doubts on the occasion.

Mr. *Burgh* (Chapel-izod) said, that bringing on such a question at that time of the night, was stealing like a thief in the dark, when gentlemen were not prepared, and had been already fatigued with debating on the Popery bill. He asked, if any doubts were raised about the validity of such possession, and who were the persons who had entertained such doubts? He was certain that such an impression did not remain in the mind of any man, and consequently as the motion was unnecessary, he thought the proper way to dispose of it, was to put the question of adjournment.

Sir *Vesey Colclough* said, he was one, who enjoyed the most of his fortune under an English act of parliament, and he thought it a duty to his posterity, to transmit that fortune to them in security.

The question being put, the House adjourned till to-morrow.

SATURDAY, MARCH 2.

The *Speaker* having taken the chair, Mr. *Flood* moved for leave to bring in heads of a bill for quieting possessions held under English acts of parliament.

Mr. *Yelverton* said.—I think this measure unadvisable, as it is not commensurate to the evil which we wish to redress. I mean the right assumed by the British parliament to make laws for regulating or enhancing our commerce. He then referred to the arguments by which he had the honour to shew to the House some days ago, that property held under the acts of forfeiture, was not in any danger, as the king might have granted the forfeited estates to whomsoever he thought proper, and his submitting to the advice of his English parliament upon that occasion, made no more difference in the legality of the grant, than if he had taken council of any other set of men. He had also given as his opinion, that in cases where private acts of the British parliament regulated the title or possession of estates, as it was always done by the desire of the parties concerned, and with their consent, such cases stood upon the same ground as if the parties by mutual consent had gone into the court of Common Pleas, and there recorded the transaction; but he said, he thought that the British laws respecting our commerce, or our internal regulations, was a real attack upon our constitution, as well as productive of much inconvenience, which every day's experience in the courts could witness. Under the influence of this opinion, without knowing that Mr. *Flood* intended any motion on the subject, he had yesterday announced his intention to the House, which would determine which motion to receive, that of his Hon. Friend, Mr. *Flood*, or that which he had the honour of mentioning. If the first, it should receive the utmost attention from him; if the other, he claimed assistance from the great ability of Mr. *Flood*.

Mr. *Beresford*.—Early yesterday I was present at the notice given by the Hon. Gentleman (Mr. *Yelverton*) to which I determined to give my best considerations. Late last night the Hon. Gentleman (Mr. *Flood*) gave notice of the motion now before us. I objected to the circumscribed manner in which it was offered, and approved that of Mr. *Yelverton*, as being more extensive and going to greater objects. I was then told, that I made a stalking horse of that motion, but when it comes before the House, my intentions will be seen, and gentlemen will judge of the truth of the imputation.

Sir *Lucius O'Brien* was for both the motions; he thought the grounds sufficient for two bills; he said, that private property should be secured, and feared there would not be time sufficient this session to examine every law of commerce that related to the two countries conjunctively, or to Ireland separately.

Mr. *Bushe*.—The bill proposed by the Hon. Gentleman (Mr. *Flood*) is merely relative to private property; it may be called a complicated private act of parliament. Now the justice of this House *never has, ought not, and I trust never will,* interfere in private property, without the consent or desire of the *proprietors*. Has any proprietor petitioned the House to quiet his possession? No; and if not, how is the House justified in risking this bill, which, if not returned, may bring property into an uncertain state indeed.

Mr. *Mason*.—The Hon. Baronet says, that it will be difficult to find out all the British statutes that relate to our commerce. I desire to ask him, whether it will not be infinitely more difficult to find out and specify every act that relates to private property? The question is, which of these measures should be adopted? In my mind certainly that proposed by the learned gentleman, (Mr. *Yelverton*) for without sounding an alarm, it goes to the principle which we all desire to maintain.

Sir *Boyle Roche*.—The motion now before the House goes to inflame the minds of men, and to cast a suspicion on property hitherto unthought of. I have a doubt of the intention of this motion; it stole into the House last night in a surreptitious manner, in an questionable shape. It comes like a partizan—a skirmisher.—It is a mere ambuscade. It comes by way of rejoinder or demurrer. It is a detached party of the old business. I have another reason that I do not like it. I do not believe it is brought in with an honest intention. *This country, I hope, will be left in peace.* For my own part, I think that if I should inflame men's minds, or stir them up to disobedience, I should deserve the detestation of every friend to Ireland.

Mr. *Flood*.—When a man brings in a bill to quiet possessions, it is hard to say that he intends to inflame. It is also hard to say, that because something more is to be done, nothing shall be attempted—but the opposition is to the particular man—I am the object of these puny efforts—but they harm me not—I shake them off *as falls the dew drop from the lion's mane.*

Mr. *Yelverton's* motion passed with only Mr. *Flood's* negative; and Mr. *Yelverton*, Mr. *Fitzgibbon*, Mr. *Grattan*, and Mr. *Hussey Burgh*, were appointed to bring in the bill.

The order of the day for going into the Popery-bill being read, Mr. *Rowley*, on account of the lateness of the hour, moved that the order be adjourned to Monday. The House divided.

For going into the order of the day,	—	33
For adjourning it,	—	12

The *Speaker* then left the chair. The House in a committee, went into the Popery-bill, Mr. *John Dillon* in the chair.

Mr. *Gardiner* declared his determination of dividing the bill into three separate bills; including the clauses for granting property

and free toleration of religion, in the first; and the clauses respecting education, in the second; and those relative to marriage, in the third; and the committee resolved to report the first bill on Wednesday next.

MONDAY, MARCH 4.

The *Speaker* took the chair early in the day, and adjourned the House until to-morrow, for the purpose of the committee of trade sitting to finish the alnage business.

The committee of trade sat, Mr. *Mason* in the chair.

The committee heard Counsellor *Duquery* on behalf of the manufacturers, and Counsellor *Kelly* on behalf of the alnager.

After the council had finished their arguments, Sir *Lucius O'Brien* stated the evidence that had been given, the state of our manufacturers in general, and the necessity there was for an Alnager, or similar officer. He then proposed a resolution, which he afterwards withdrew on being opposed, as it might tend to put a stigma on our manufacturers.

Mr. *Foster* declared himself against the office of Alnager, as he thought laying duties on our manufactures injurious to trade, and especially such an infant one as ours, and oppressive to the manufacturer.

He was supported by the *Recorder*, Mr. *Hartley*, Mr. *Ogle*, and other gentlemen.

Mr. *Beresford*, the *Attorney General*, Colonel *Burton Cunningham*, and Mr. *Daly* were of opinion the committee ought to come to some resolution with regard to the office, as it appeared to have been properly executed; and that the Alnager had not received any fees of office on the new drapery since the year 1780.

It was agreed, on the motion of the *Recorder*, that the subsidies and fees on the new drapery, under the acts of Charles II. and his present Majesty, ought to be repealed; and also resolved, that it appeared that the duties payable to the Alnager on the above manufacture, greatly exceed 2000*l.* yearly, and that he ought to have compensation for the same.

Resolved, on the motion of Mr. *Daly*, that the duties payable on old drapery, under the alnage law, was beneficial to that manufacture.

TUESDAY, MARCH 5.

The *Speaker* having taken the chair, and the members being all uncovered, his Majesty's answer to the address of the House on the Portugal business, was read by Mr. *Eden*.

His Majesty's Answer to the Address of the House of Commons.

[For the address see page 230.]

“ His Majesty has received the address of the House of Commons of Ireland, with that affectionate satisfaction which their professions of duty, loyalty, and zealous attachment to his person and royal family, never fail to excite in his Majesty's breast; and his Majesty does not admit a doubt that those principles will continue to constitute, as they have hitherto invariably done, a most distinguished part of the character of his people of Ireland.

“ His Majesty gives his faithful Commons the strongest assurances, that the confidence they so dutifully repose in his paternal protection which has been constantly exerted during the course of his Majesty's reign, in promoting and establishing the prosperity of his kingdom of Ireland, is most justly founded; as no purpose is nearer his Majesty's heart than to afford them every solid proof of that protection.

“ His Majesty is not surprised that his faithful Commons, always attentive to the true interests of their country, should have observed, with alarm and concern, the obstructions given in the ports of Portugal to the importation of Irish woollen and printed linen manufactures in that kingdom; and the full satisfaction which the House of Commons express in his Majesty's solicitude upon this important subject, and in his unremitted endeavours to open the eyes of Portugal, not only to the true sense of the treaties subsisting between the two crowns, but to give a just understanding of her own real interests, is graciously accepted by his Majesty.

“ His Majesty applauds the temper and moderation of his Commons upon this occasion: Such conduct is always becoming of their prudence and wisdom, but particularly so in the present instance, as it affords time for further exertions towards bringing this business to a happy conclusion. And the House of Commons may rest assured that his Majesty will persevere in every possible effort for the attainment of that desirable end.”

Colonel *Cunningham* proposed to return the humble thanks of the House to his Majesty, for the most gracious proof of his attention to his loyal subjects of Ireland.

Sir *Lucius O'Brien* said, he joined in returning most grateful thanks to his Majesty for such an answer to the address of the House—an answer that declared the rights of Ireland more fully, and asserted them with a degree of spirit much greater than what the House had ventured to shew. The answer, he said, plainly proved that his Majesty considered his Irish subjects as fairly included within every commercial treaty of Britain, and fully enti-

tled to participate in every benefit that could be derived from them. This, he said, would put an end to any pretence which other states might have for copying the conduct of Portugal, as it must appear that his Majesty was resolved to maintain our rights conjointly with those of Britain.

He further said, that he admired that part of the answer which praises parliament for their moderation and wisdom, because such moderation is suited to the present temper of the times; for this, said he, is a full admission of our rights, and of our power to assert those rights. He, therefore, most heartily joined in the thanks proposed by Colonel *Cunningham*.

Mr. *Ogle* said, he did not rise to oppose returning thanks for the answer which his Majesty had been graciously pleased to give; but to observe, that the language of the address was plainly this—“We are not able to give you the help we would wish, to assert your rights *at present*; and, therefore, we praise you for your forbearance.”—He hoped this would not lull the nation into security, or submission to the insolence of Portugal; but when *the ability should return*, they would be ready to assert those rights which were for the present suspended.

Mr. *Hartley* presented a petition from several merchants and traders, praying time to consider of the scheme intended for establishing a national bank.

Upon this, Mr. *Eden* gave notice of his intending to propose two or three alterations in the committee; the first of which, he was persuaded, would sufficiently obviate all uneasiness entertained as to the early operation of the measure, and bring it forward in that gradual way which was to be wished wherever monied and commercial interests are concerned. Upon this idea he intended to propose, that the subscription should not be received previous to the first of August; and even after that day, the time of carrying that measure into execution, must depend on the circumstances of the country, and the general disposition of the subscribers. On this point he would only observe, that many most respectable and well-informed men, of every description, had expressed an eagerness to engage in the measure, which promised well for its success; and was in itself a sufficient answer to the objections which had been started. He also said, that he should move for the proposed capital to be 600,000*l.* and that no proprietor should possess more than 10,000*l.* stock; this arrangement being an exact proportion to the establishment of the bank of England.

Mr. *Yelverton* reported from the committee appointed to prepare heads of a bill, “to give force to heads of a bill for extending certain of the provisions contained in an act of his late Majesty,

Henry VII. confirming all the statutes made in England, concerning property and commerce, so far as said statutes relate to Ireland."

Mr. Flood opposed the bill, as of a most pernicious tendency, as giving to England a power with which this nation ought not to part, but as the price of its full emancipation—as casting a censure on this country, by mentioning former rebellions—as enacting *in gross*, and without examination, a great number of English laws, many of them perhaps ill suited to the circumstances of Ireland; and, therefore, he proposed to have farther time given, and a committee appointed to investigate the subject fully before any bill was framed upon it. He said the learned Gentleman proposed to adopt such laws as are equally restrictive on, and equally beneficial to both kingdoms; but he desired to know who was to decide upon this point? Was it the judges who were dependent on the crown? Were such men to determine between this country and England?

Mr. Yelverton said, that he had introduced the bill upon the purest principles, and on the most constitutional ground; that it had received the approbation and support of some of the first men in that House, [Mr. Grattan, Mr. Hussey Burgh, Mr. Fitzgibbon, and Mr. Yelverton, were the persons appointed to draw it up,] and he would, therefore, firmly pursue its object. He contended, that by enacting such laws of England as were advantageous to Ireland, or mutually beneficial to both countries, we were so far from acknowledging the power assumed by England, that we declared, by the strongest implication, that England had no right to bind this country.

He could not, he said, perceive how, by reciting the preamble of an act made in the reign of Henry VII. mentioning certain rebellions and commotions that had existed in this country previous to that time, any censure or dishonour was cast upon the present virtuous race of Irishmen, who were well known to detest every promoter and fomentor of rebellion or commotion; and in taking notice of that early period, he wished, he said, to have it considered that England did not then attempt, by making laws, to invade our rights—but interfered in such times of trouble, from a motive of compassion, to assist us in our distress.

The laws to be adopted, he said, were very few and very simple: The first was a law made in the reign of Queen Elizabeth, to prevent the exportation of wool; one or two more extended the provisions of this law; the Navigation-act, which now operates for the mutual advantage of both kingdoms; and some others, which he named, of less importance.

He said, it was a matter of great concern that the commercial code of both nations, should be as similar as circumstances would permit; that it was of great importance that people's apprehensi-

ons should be quieted; there was no necessity for quieting possessions, they were not in any danger of being disturbed; but the apprehensions which had been raised, it was absolutely necessary to quiet. He said, whenever the nation's rights were to be asserted by a parliamentary declaration, he had been amongst the foremost of her friends; that not being able to obtain that object, he thought this of the next consequence—nay, that if it passed into a law, it was a stronger recognition of our rights, than even a declaratory law—but yet it was a conciliatory measure, and, therefore, more likely to meet success. He wished to pour balm into the wounds of his country, not, by perpetual irritation, keep them bleeding: He therefore offered this moderate and temperate measure, which would be a lasting record under the great seal of both nations, of the rights and independence of Ireland.—I therefore, said he, call upon all the moderate, I call upon all the wise, I call upon all the temperate men of this House to assist me, and I will go through with it, notwithstanding any *asperity*, or any *brow-beating* which may be opposed to me; nor will I be borne down by the gigantic abilities of any man; and whether I succeed or not, I shall be happy to think that I have undertaken this for the service of my country, and to have my name handed down to posterity in company with those of the wise, the patriotic, the virtuous men who assisted me in it.

Mr. Flood.—There is nothing more common than to transfer our own faults to those with whom we contend. I am a friend to moderation, but I will always distinguish between moderation and deception. I am moderate, but I am not credulous. I am not subject to the impositions of little men, nor have I any obligation to return to the Right Hon. Gentleman on the other side, by taking on my shoulders a burthen too heavy for him to bear. The learned gentleman says, that by re-enacting those laws which England had assumed to make for us, we declare their acts of no validity.—But will he introduce this into his bill? Will he say in the preamble of it, “*Whereas England has no right to enact laws binding upon Ireland;*” I make this the test of his intention. I am willing to put the two countries on a footing of friendship, but not by such trifling palliative measures as these, which, while they seem to heal the wound, leave it to rankle and burst again with increased malignity. The Popish-bill is another measure that is to serve this country. I am no Papist, but a true lover of the Protestant faith and interest. I am not the MISSIONARY of a religion I do not profess, nor do I speak eulogies on characters which I will not imitate—But this is not the time to talk of those things. We must at some time speak out. When we did, we were successful. 'Tis impossible for an English minister to give up such a point, but to a national impulse; it would be insanity for him to do it of his own motion. We should therefore urge it to

him. I will not do every thing for England that she can ask, and leave her to do nothing for us that we ought to receive.

Mr. *Mason*.—I rise to declare my concurrence in the measure which the wisdom of the learned gentleman has devised. I think that it is the strongest declaration that we can make of our independence; and that the people of England will think so too, we may fairly infer from what happened in the year 1698. In that year the Irish parliament re-enacted some British statutes, and the parliament of England, so far from considering this a favour, complained loudly to King William, that the Irish parliament had pretended to re-enact those laws which they considered as a declaration that those laws, though passed in Britain, had no efficacy without such re-enaction.

Mr. *Grattan*.—The purpose of this bill is to quiet certain apprehensions, not possessions; for so long as the people remain under apprehensions, their private fears may always be set up against national exertion. 'Tis therefore necessary they should be quieted; but it is also necessary to facilitate such an act, that it should be coupled with something to render it palatable to England. To this end the learned gentleman has joined to it the re-enaction of commercial laws affecting both countries, and this he has done with a master's hand. I cannot see that England gains any thing by this, but it shews that we are willing to preserve our union with them upon terms of equal benefit, but on no other. I think the bill a bill of perfect safety; it is not, indeed, a full declaration of rights, but it goes a great way towards it; and I think my learned friend has great merit in it. I think it a bill of so much importance, that the committee are answerable for it with their heads. As one of that committee, therefore, I can have no objection to any other committee inspecting it.

I must take notice of a plausible objection made against the bill—that by a sweeping clause you pass a number of laws together—but if by a sweeping clause you pass none but beneficial laws, it is a clause of advantage to the country.

Another objection has been made, as to the judges deciding what laws under this act shall be construed as extending to us. The Right Hon. Gentleman might have carried his objection further: He might have said that the British House of Lords determine in the dernier resort. These objections, however, do not lie against this law in particular, but to the judicature, by which all our laws are dispensed.—Now, one word respecting Doctor *O'Leary*—something has been said about eulogies pronounced, and missionaries of religion. I am not ashamed of the part I took in that gentleman's panegyric; nor shall I ever think it a disgrace to pay the tribute of praise to the philosopher and the virtuous man.

The House resolved itself into a committee on the bill for establishing a national bank, Mr. *Mason* in the chair.

Mr. *Latouche* said, that he had heard it insinuated that the bankers of Ireland were much alarmed at the bill for establishing a national bank, and were desirous of giving it every opposition, but he believed that this opinion was ill-founded; as to himself, he was, upon the fullest conviction, a friend to the principle of the bill, as he knew it would be highly beneficial to trade—it would extend the commerce and promote the agriculture of Ireland.

Sir *Nicholas Lawless*.—As a friend to the commerce and interest of my country, I must be a friend to this bill, as I was to a similar one in the last session: The principle is so honest, the plan so plain, and the security so good, that no man can refuse his concurrence in it.—I am glad to find that the petition of the merchants only requires time to consider of it; it does not go against the principle or plan of the bill; if it did, I know many, very many, who would petition in favour of it; for of all the plans that the Right Hon. Member has proposed this session, to give wealth and magnitude to this nation, the bank is certainly one of the best.

Mr. *Bagenal* said, he rose only to express his indignation at the manner that this, at least, unnecessary measure, which he thought a pernicious one, was going to be hurried through this House. He said, he did not like government's pretending to wish us better than well in one particular, while they left us wretchedness itself in every other. He had not the good fortune to hear the Right Hon. Gentleman's arguments, but he presumed that the substance of them was in a news-paper he had in his hand, and that they seemed contrived partly to decoy such needy men of property as he himself was, into a measure unfriendly to the trade, and ruinous to the liberty of this country. He would not dwell on the particulars of the bill, as several of them would, he believed, be relinquished, and still it might be bad enough for every purpose of government; but he could not help expressing his surprise when a politician asserted, that lowering the interest of money tended still to lowering it more. If that position was true, we might hope to see the day when we should have money at NO per cent. but every one must see that it is necessary to wait 'till the influx of wealth shall make it necessary to lower interest, or that influx should operate such an effect of itself. The Right Hon. Gentleman, like a juggler, insulted our understanding, by slipping the effect into the place of the cause. He also says, that the high interest rather proves the small advance of commerce, than scarcity of gold; and thence he would infer, that by his lowering it, he will mightily advance us in that point: But it is not high interest that will prevent men from embarking into trade, it is the usurped claim of the English legislature, supported now by a perpetual

standing army. Again, the Right Hon. Gentleman says that one per cent. interest, is worse than two per cent. duty; if so, discounting seems to be a nuisance; we had better trade merely on our capital.

He begged leave to be desultory for brevity sake, and then animadverted on our aping England—because England had an Exchange we must have an awkward building; but was there any business done at it? It was ridiculous for us to model ourselves on the scale of Old England—New England should be our model—such an Exchange as her's would be the thing for us. We are now to have a bank because England has one, and perhaps three hundred millions debt, if we can borrow it; but we should remember the fable of the frog and the ox. He should not be surprised if he heard the Right Honourable Gentleman appealing to posterity for the advantages that would accrue from this bank; and it would be a very proper appeal, for this generation could profit nothing by it. The Right Honourable Gentleman observed, that Ireland stood singular amongst commercial nations; but it was not so singular for want of a bank as for want of civil, and, of course, commercial liberty, and this bank would give the finishing stroke to all our hopes, for by adding to the influence of government, it will turn the city of Dublin, which (like the city of London) ought to be the bulwark of national liberty, into a ministerial borough; therefore he would oppose it now, and as far as such an individual, as he legally could, he would hurt it if established. He would only add, that as it was reported that this bank was not to take place till after this administration would probably be recalled, he thought it a rare patron of disinterestedness, rather new, and very worthy of imitation. It just proved that this administration was not only resolved to do us all the harm they possibly could while they stay, but are contented to leave us this piece of mischief gratis, to operate after their departure.

The *Provost*, Mr. *Eden*, and Mr. *Colville* supported the bill.

Upon a motion to adjourn the further consideration of the bill, there appeared,

Ayes, — — 22

Noes, — — 93

The committee, therefore, went through the bill, and agreed to their report.

WEDNESDAY, MARCH 6.

The House in a committee on the Popery-bill. Mr. *St. George* most vehemently contended against allowing Papists a benefit of fee simple estates, to the evident detriment, he said, to Protes-

tants; and that they were entitled to no more than the condition of 1778, when they were liberated upon the mere terms of enjoying no more than 999 years leases. He then moved some amendments, which were agreed to.

Sir *Richard Johnston* moved an amendment to the bill, that the words "or inhabitants" should not stand part of the bill. By this he meant that Roman Catholics should enjoy the same benefit they did by leases of 999 years, in all the boroughs and towns where they were entitled to the same privilege of *potwalloping* boroughs.

Col. *Ross*, Mr. *Corry* of Newry, and others contended, that the Roman Catholics should not be left in a worse situation by this bill than they were by that of the year 1778, when they could purchase in such boroughs: But they were now totally cut off to avoid their influence in elections; to the great injury of Protestant landlords, whose lands would fall by this preclusion. The House having divided, there appeared,

Ayes,	—	14
Noes,	—	45

The two first clauses of the Popery-bill passed, the committee reported, that the bill was ordered to be transmitted.

Mr. *Gardiner* then introduced the bill for the education of Roman Catholics, which was ordered to be received; after which he moved for the bill to establish the inter-marriage of Roman Catholics and Protestants; which having caused a division for receiving it, there appeared,

Ayes,	—	13
Noes,	—	25

Mr. *Mason* reported from the committee of trade on the alnage business.

Sir *John Blaquiere* said, that as the committee had determined the alnage on new drapery unnecessary, and had also resolved, that the law respecting the old drapery should be enforced, it should be his business to see that it was properly done. He said that the House had made him ample and liberal compensation; and to his honour added, that he thought the charge now remaining upon the old drapery much too heavy for the manufacturer to bear; that therefore if his Majesty's ministers would consent (as he was persuaded they would) to give up this part of his Majesty's hereditary revenue he could wish that the one-half of the old subsidy on broad cloths, and three-fourths of the subsidy on all other articles should be taken off.

Mr. *Leigh* made an handsome eulogium on Sir *John Blaquiere's* conduct, and said that he had attended the examination from the beginning; that Sir *John's* conduct throughout, exactly coincided with his present behaviour, which was so nobly disinterested and so highly to his honour.

The House also expressing a general approbation, it was, upon a motion made in consequence by Mr. *Foster*, resolved that the subsidy on broad cloths, which is four-pence, should be reduced to two-pence, and that the subsidy on all other old drapery which is two-pence, should be reduced to one halfpenny.

THURSDAY, MARCH 7.

The *Recorder* presented the petition of the citizens of Dublin against heads of a bill for paving the streets.

This caused a short debate, as many members looked upon the petition as very extraordinary, when the necessity appeared so evident of altering the paving committee.

Several heads of bills were presented.

FRIDAY, MARCH 8.

The House agreed to an address to his Majesty, praying that he would be graciously pleased to make recompence to Sir *John Blaquiere*, Knight of the Bath, for the loss by him sustained by the regulations lately made in the alnage fees and duties.

The House also agreed to an address of thanks to his Majesty for his most gracious answer to the former address of the House, on the subject of the Portugal business.

Sir *Henry Cavendish* moved, that the registers of the different dioceses should on the first Monday in the next session of parliament, lay before the House the names of the several clergymen having cure of souls within their districts, distinguishing those who have resided and performed divine service in their parishes, from the first of June 1782, to the first of June 1783.

Also an account of the state and condition of the church and glebe House in each parish.

The *Provost* thought that the duty of the clergy was now as well performed as ever it had been; nay, said he, that very great improvements had been made within the last fifteen years. He owned, he thought, the residence of the clergy a matter of the last importance, and upon that principle, when he was placed at the head of the University, he had been desirous to enforce the residence of those who held their benefices from the college—he had consulted with the fellows and such other persons as could give him advice and assistance; the consequence of which was, that several glebe houses had been erected, and he had reason to hope his wish would be accomplished. He requested, however,

that the Right Hon. Gentleman would, if he had no particular reason to the contrary, consent to defer his resolution for some time, or even till to-morrow. It was, he said, a matter of high concern that the people should entertain a good opinion of the clergy; if any individual had done wrong, it would be well done to particularize his misconduct; but it never could be right to include a whole order in any thing that had the smallest appearance of a general censure.

Sir Henry Cavendish.—No man possesses a greater respect and veneration for the body of the clergy than I do. I think a clergyman *who resides in his parish and does his duty*, a most respectable and valuable member of society. I have good reasons for the resolution, though it might not be an agreeable task to particularize individuals who come within its scope; but the motion is cautionary, it will act as a preventative; it will produce residence where there is no residence; divine service will be performed where divine service has not been performed; the sick man will find the comforts of religion, which are now sometimes sought for in vain; and the public mind will be satisfied that this House expects an attention to his duty from every clergyman.

Mr. Crofton complained of a breach of privilege. One *Gregory Farquharson*, who with a county of Dublin Justice of the Peace, named *Wilson*, had been prosecuted at the last commission of Oyer and Terminer, for kidnapping; and the information against whom he had moved to be laid before the House, in order to prevent such enormities in future, had presented a memorial to the Lord Lieutenant, filled with innumerable falsehoods, and accusing him (*Mr. Crofton*) and several respectable Citizens of having inveigled men to desert, and injuring his Majesty's service. This he thought an offence against a member of parliament which the House should not tamely bear; and he therefore moved, that the House should address his Excellency the Lord Lieutenant, that he would order the memorial of said *Farquharson* to be laid before them.

Mr. Eden said, that though he entertained not the smallest doubt of what the Hon. Gentleman had alledged, yet he had no recollection of any such memorial having passed through his hands, which if presented, it must do; but admitting there was such a one, he was not very sure whether it would be right in the House to order it before them, as it must be considered as the defence of an officer to certain charges made against him. He was sure the Hon. Gentleman would not imagine that he intended to screen any offender, or to overlook any such offences as had been mentioned. Some had been severely punished, and he was resolved to assist in punishing every man against whom such criminality should be proved; but he submitted to the Hon. Gentleman, who had manifested so much prudence and good temper through the whole business, whether it would not be reasonable to allow

time to examine into the memorial complained of before he made his motion?

Mr. *Crofton* gave Mr. *Eden* great praise for the whole of his conduct relative to the persons kidnapped by *Farquharson* and his associates: He said it had been regulated by a strict attention of justice, and a due care of the liberty of the subject; at his request therefore he consented to defer the motion.

SATURDAY, MARCH 9.

The House in a committee, Mr. *Gamble* in the chair, heard council against heads of a bill for altering and amending the laws for paving the city of Dublin.

The *Recorder* said, that the bill might with great propriety be called a bill of attainder, not against the *lives* of a number of respectable persons, but against what was dearer than life to men of honour—their reputation—for the preamble of the bill, unsupported by any evidence, unfounded on any fact, stigmatized and defamed the members of the paving corporation, with a general charge of fraud and embezzlement, and waste of the public money.

The first clause of the bill also, contrary to every principle of justice, by a single dash, deprived the corporation of the city of Dublin of any share in the management of the paving; for which they were so enormously taxed. He said, he had heard it alledged, that the corporation of the city did not pay a sufficient proportion of the pavement tax; but surely every man who for a moment considered the subject, must allow, that 300*l.* per annum was sufficient, when it was known that a great part of this sum was incurred by the paving of Stephen's-green, paving before the New Prison, the Tholsel, and other places, from which the public reap advantages, but the corporation of the city does not receive a shilling; as therefore he thought the bill unjust and unnecessary, he moved that the chairman should leave the chair.

Mr. *Dillon* rose in support of the *Recorder*:—He thought the charges against the corporation extremely unfair. He said, he had attended as commissioner almost constantly from the first institution of that board, and that he never saw business conducted with more integrity, or with more regularity than the paving business was at all times when one Winstanly was not present—that person indeed had used the best means to drive every gentleman from the board, sometimes by speaking for several hours together, in a manner not the most agreeable, sometimes by taking up the different acts of parliament under which the board acted, and reading each from end to end, much to the edification of the

members. But whenever Winstanly was absent, he had observed matters carried on with strict decorum and propriety; he therefore thought that as the charges against the board were unjust as being unfounded, the bill should be suffered to drop; and for those reasons he supported the motion for the chairman to leave the chair.

Mr. *Adderly* mentioned a number of circumstances, which, he said, proved in the commissioners, not *ignorance* but GUILT.—He accused them of partiality, jobbing, and waste of the public money; however he consented to alter the preamble of the bill in any way that might be thought more pleasing, and that the corporation of the city might not have any thing to complain of, he would consent that the Lord Mayor, Sheriffs, Recorder, two senior Aldermen, and two senior Sheriffs peers for the time being, should by the bill be constituted commissioners of paving.

Mr. *Annesly* followed Mr. *Adderly*; he entered into a full detail of many abuses, which he asserted, had been committed by the *pure and immaculate* corporation for paving:—A number of shoemakers, cobblers, and such like, had contrived to get into authority under the paving laws, and had manifested the most shameful partiality to people of their own class against gentlemen. He thought this was so well known, that there was not a gentleman in the House would have risen to support the *Recorder*.

Mr. *Dillon* denied the general charges against the board; he said some faults had been committed by an officer under their authority, but that the board had discharged him as soon as those faults were made known; it was therefore highly unjust to fix a stigma on men who had served the public faithfully, without fee or reward.

The chairman proceeded to put the question on the first clause.

Against it,

Mr. *Dillon*

Mr. *Recorder*

Mr. *Hartley*

Syd. *Singleton*, Esq;

Sir *F. Flood*

Sir *H. Cavendish*.

In support of it about sixty members.

Sir *Richard Johnston* then moved, that Mr. *John Binns* and *James Napper Tandy*, Esq; be appointed commissioners in the new bill.

Mr. *Annesly* said, that as to Mr. *Tandy*, he had known him a constant attendant at the board, that he had always acted with strict propriety, and particularly exerted himself to prevent jobs; but as to Mr. *Binns*, he was the person who chiefly rendered a reform of the paving board necessary; he was the person who by jobbing and other means had thrown the corporation into so much confusion, and run them (especially one division) so deeply in debt.

Mr. *Hartley* spoke in praise of Mr. *Binns*, as a man of the purest intention and greatest public spirit; he said he had not communicated with him on that subject, but that judging by his own heart, he was convinced that Mr. *Binns* would think it no honour to be named in a commission from which the rest of his fellow citizens were so unjustly and so disgracefully excluded.

The committee went through the bill, and agreed to report.

MONDAY, MARCH 11.

The House in a committee, went through Mr. *Yelverton's* bill, for adopting and giving force to such English or British statutes as in any wise affect the settlement of property in Ireland, or which mutually affect and confer equal benefits on the commerce and seamen of both kingdoms.

Mr. *Hussey Burgh*.—By this act we demonstrate to England, that while we are determined to assert our own rights, we wish to do it in the most conciliatory manner, and are willing to comply with her wishes, in every case where they do not interfere with our own liberties. I believe I am not too sanguine, when I declare my hope that we shall soon see abolished every cause of disquiet between those two islands, united by every tie of interest and affection. The Attorney General of England has lately introduced a bill into the British parliament, repealing every act relative to the colonies since the 12th of Charles the second; and at such a period, I do not think England can possibly refuse to accord to the wishes of the loyal people of Ireland, an act of justice which she grants to the people of America.

Besides the two objects, property and commerce, to which those heads of a bill immediately relate, there are some others that may properly be included in it. The act for altering the style of the kalendar; acts for imposing certain oaths (and several others which he particularly named;) this would also be a proper time for establishing our post-office by an Irish act; but this last object I shall not urge, but leave it in the hands of administration to be brought forward at a proper time, as from the general good disposition that they have manifested for the advantage of this country, I think I am warranted to believe, they will enter into this measure, as soon as it can be undertaken with a probability of success.

Mr. *Eden*.—The House may be assured, that the establishment of the post-office, by a law of this kingdom, is not kept back by any jealousy of England, or any idea of preventing such an establishment, but merely by the difficulty of settling the business, which cannot be done without laying such burdens on the trade and commerce of Ireland as would be exceedingly injurious to it. As

the post-office now stands, the whole internal revenue does not exceed 18,000*l.* per annum; the expences of the office amount to 17,000*l.* Whenever it is established by an Irish law, the covering under English franks must cease, and consequently this country must pay the whole postage of her own letters through England, which will very considerably enhance the expences of the office, at present almost equal to its receipts. Gentlemen will therefore see that an entire new arrangement of this department is a matter of considerable difficulty; and they will, I hope, believe, that these circumstances, and a sincere wish to promote the interests of Ireland, have induced me to give the bill which I have had by me for some time, full consideration, to wait till I could see whether some benefit might not be derived from the alterations that are expected to take place in the English Post-office laws; and that I did not delay it from any desire to keep back the bill, or any unwillingness to comply with the desires of the Irish nation.

Mr. *O'Neill* said, he rose to agree in the whole of the measure of this bill, and to express his satisfaction that the independency of this country was brought forward in a shape so unexceptionable, as one tending completely to establish our rights, without awaking in another kingdom, sensations that must be disadvantageous to both; that the wisdom of parliament was called upon, he had long thought, to ease the anxieties of the people of this country; and that nothing shewed the necessity of deliberate wisdom so much, as the various measures that had been proposed for this end without being effectual, though by men of the first abilities. Though anxious in the highest degree to promote it himself, he had never before seen a measure that met his approbation; and that when the high spirited ardour of his countrymen had led them out of doors to take steps for this purpose, he could not divest himself of doubts, that it was possible they might be too sanguine in their measures, and wished that the cool deliberation of parliament might be allowed to devise the means of the public success; deliberation solemn and cautious, yet steady. That he thought the idea of compulsion to England ill became a nation celebrated for high spirit and a nice point of honour, that would itself disdain compulsion as it did all foreign power. He said, the present measure had his warm approbation, as it was in its extent effectual, in its operation inoffensive, and better than any declaration, as it was equal to the authority it controverted, that of an act of parliament also: That it demanded no answer, and was therefore less doubtful or uncertain, and would, he persuaded himself, upon the whole be attended with content in this country, and cordial union and friendship with the other.

Mr. *Yelverton*.—I shall not content myself with giving a silent vote upon this measure, which I consider as the band that unites the interests and affections of Great Britain and Ireland; it is the

very soul of union between the two countries. I do not mean such a union as that which England has made with Scotland, but an union which will carry to the foot of the throne three millions of loyal Irish hearts, beating high in the cause of liberty, and one million of **RIGHT HANDS ARMED** in her cause. I speak, and I hope shall hereafter have reason to speak, not as an Irishman only, but as a subject of the British empire. I hope the interests and affections of the two countries will be from henceforward for ever inseparably blended, and that there will be no distinction between the subjects of the British empire at large. It has been feared that this measure would work a separation between Great Britain and Ireland, but there is none so strong to bind them in amity and concord, they never can be separated while governed by the same sovereign—when in friendship he offers the hand of England, he offers the hand of Ireland; England will always be the primary point; she will always govern us by affection, not by power; she will sway us by our reason, not controul us by our fears.

TUESDAY, MARCH 12.

Mr. *Yelverton* reported the bill adopting the British statutes, &c.

Mr. *Ogle* said he would not think himself justified, if upon so important an occasion, he neglected to deliver his opinion, which was, that the bill so far as it went, was a very proper measure, but that it could by no means be deemed a *full declaration of the rights of Ireland*—THAT DECLARATION he thought the *representatives of the people* bound to make. He never would lose sight of it, but in every situation with his life and fortune would be ready to maintain it; and he was confident that it ought to be pursued till England should make a formal and categorical renunciation of the absurd and unjust claims which she had made to authority over this country.

Mr. *Conolly* declared he had for a series of years, resisted a declaration of rights, but he now acknowledged himself of the same sentiments with the gentleman who had spoke last, and he would, in every sense comprehend and adhere to his resolution on that head.

House in committee on heads of a bill for the relief of insolvent debtors, Sir *F. Flood* in the chair.

Mr. *Hartley* said it was calculated to overturn a very material part of the bankrupt law; he had, he said, as great a regard to the cause of humanity as any other man, but he found insolvent acts too often turned to the purpose of defrauding the honest creditor. It was a dangerous precedent to enact any law which mili-

tated against so essential an act as the bankrupt law ; and he declared, in the course of his experience, he never knew an Irish creditor so rigid, as to render an insolvent act necessary, if he met with any complexion of honesty ; he should, therefore, on that account, oppose that clause of the bill which seemed to affect any part of the bankrupt act.

He was replied to by Mr. *Dawson*, who said he had guarded against any advantages which could be taken, in the framing of the bill. Pledged the hardship of keeping a number of unhappy wretches in prison ; nay, in noisome dungeons ; and called upon the feelings of the House to support a measure which called a number of fellow creatures from misery to happiness.

He was seconded in this by Mr. *Fortescue* and Mr. *Gamble*, who expatiated upon the cruelty of keeping those in actual custody from the benefit of their liberty and the enjoyment of industry and society ; particularly as the wretched state of the prisons too often subject the unfortunate prisoner for debt, to the same cell with the felon and malefactor.

Mr. *Rowley* and Mr. *Annesly* opposed this argument, by urging the fraudulent uses to which such insolvent bills had been turned ; it was, however, agreed, that the bill should be read through ; and when they came to the blank for ascertaining a day from which the benefit of the act should commence, after some conversation, the 25th of March, 1781, was agreed on, for those who had since that time remained in custody, without being any ways enlarged by the goalers.

The heads being gone through, Mr. *Annesly* moved, that the chairman should leave the chair. When a division ensued, and there appeared for the motion,

Ayes,	—	25
Noes,	—	26

But Sir *H. Cavendish* having contended that Colonel *Conyngbam* had joined the majority from behind the chair, after the ayes had been told, the question was put, that the chairman *do not* leave the chair, when on a division there appeared,

Ayes,	—	22
Noes,	—	31

Whereupon the original question was put, and the chairman ordered to leave the chair, without a division, by which means the bill has entirely fallen to the ground.

WEDNESDAY, MARCH 13.

Mr. *O'Hara* having moved the order of the day, for the registry of freeholds,

Mr. *Burgh* arose ; he said, late in the session as it was, another matter called for their serious consideration ; this was the additional duty on coals, in consequence of the bill for improving and widening the avenues to Dublin. He said, this duty imposed was a real infraction on the nice equalization duty struck out last session, in regard to the last amount of our trade with England. It struck, in particular, along with the rest of our manufactures, at that of the sugar trade, as raising the price of that commodity, was, in particular, sure to hurt that manufactory : He therefore moved, in order to come immediately to the consideration of this bill, that the *Speaker* do not leave the chair : A division having ensued, there appeared for his leaving the chair,

Ayes,	—	18
Noes,	—	25

The order of the day being by this means postponed, for going on the registering of votes, the consideration of the bill came on, of the improvement of the city of Dublin, and the widening of the avenues from Sackville-street to College-green, when Mr. *Copinger* having taken the chair,

Mr. *Ogle* rose, and said, he considered the levying a duty upon coals, to be a tax upon the poor, and upon the manufacturers ; and thought a tax upon coaches, or any other tax, would answer much better.

Mr. *Fortescue* said, that 70,000*l.* would be wanted to widen Dame-street, and that nothing could be expected to reimburse that sum to within 32,000*l.* it must consequently be raised by a local tax.

Colonel *Burton Conyngham* insisted, that levying this tax, would be received back in a two-fold advantage by the public ; for by the improvement of the capital, it would prevent people of fashion from spending their fortunes in other countries. By establishing yards also in different parts of the town, the poor could be served on moderate terms.

Mr. *Yelverton* and Mr. *Bushe* wanted to have the tax put upon houses, paying a specified sum of minister's money, and were supported in this idea by several members, when the question being put, whether the tax should be on coals or houses, the majority, on a division, appeared so great on the coals, that it was given up without telling the number.

Colonel *Burton Conyngham* moved an amendment, that instead of thirty years, the time to which the tax was limited, the term of years should be only six.—Unanimously agreed to.

An exception was moved, that no coals should be taxed that came for the use of the glass manufactures, brewers, or salt works.

THURSDAY, MARCH 14.

The House received the several reports of the bills reported from the different committees of yesterday, and they were ordered for transmission.

House in a committee on heads of a bill for affording relief to the creditors of *Broghill Newburgh* and *Henry Archdall*.

Went through the bill, reported, and ordered for transmission.
Adjourned to the 16th of April.

 During this recess a total change took place in the BRITISH MINISTRY.—*Mr. Eden, Secretary to Lord Carlisle, went to London with his Excellency's resignation of the Lieutenancy of this kingdom. On the 14th of April his Grace the Duke of Portland arrived in Dublin, and immediately took upon him the chief government of this kingdom.*

TUESDAY, APRIL 16.

The House having met, the galleries and bar being crowded with spectators, and every heart panting with expectation, about five o'clock, when the *Speaker* had taken the chair,

The Right Hon. *John Hely Hutchinson*, his Majesty's principal Secretary of State in Ireland, arose, and announced to the House, that he had the honour to be charged with a message from his Grace the Lord Lieutenant, signifying, "That his Grace had it in command from his Majesty, to inform this House, that his Majesty being concerned to find that discontents and jealousies are prevailing among his loyal subjects of this country, upon matters of great weight and importance, recommends it to this House, to take the same into their most serious consideration, in order to such a final adjustment as may give mutual satisfaction to his kingdoms of Great Britain and Ireland." He said, he had no authority to say any thing further from his Grace, but could not avoid congratulating his country on this message, and expressing his opinion, that a nobleman of such high rank and character would not have resorted to this government with such uncommon dispatch, and in the midst of a session, but for purposes the most salutary and beneficent to this kingdom. He begged to say a few words, not as an officer of the crown, but as a gentleman of the country. As to the right of this kingdom to be bound by no other laws but those made by the King, Lords, and Commons of Ireland, he

had always asserted it from the seat of judicature as a judge ; and in this House as a representative of the people. He should be glad that every man in Great Britain understood what every man understood here, that the claim was not new, it was as old as the invasion of the right ; the principal Lords and Commons of Ireland in the year 1741, complained of it as an innovation unknown to their ancestors. Soon after the restoration, the Speaker of the House of Commons, in an address to the Lord Lieutenant, and in the presence of both Houses, states the right of Ireland to be governed only by laws made by her own parliament ; and soon after the revolution, this question was placed out of the reach of controversy, by the work of a great scholar and philosopher.

He then mentioned Mr. *Grattan* in terms of the highest respect, and said he must ever live in the hearts of his countrymen ; but the present age and posterity would be indebted to him for the greatest of all obligations, and would, but he hoped, at a great distance of time, inscribe on his tomb, that he had redeemed the liberties of his country. He said, that whatever mode should be proposed for the declaration of this right, in terms the most unequivocal and explicit, whether by vote, address, or bill, should receive his strongest support, provided it contained such sentiments of duty and loyalty to the king, and affection to our fellow subjects of Great Britain, as every man in this nation felt. When this point was fully established, it would let in new light on other parts of the constitution. He had considered those statutes, called *Poyning's law*, as containing strong arguments in support of the independence of the Irish legislature ; but this independence being established, or at the eve of being so, he should agree to a bill for the modification of *Poyning's law*, so as to prevent the stopping or altering our bills in our Privy Council, or the alteration of them elsewhere ; for he could never agree to give any other Privy Council a power which we took from our own.

He thought it necessary that the Mutiny-bill should be made triennial. He voted for it as such on its first introduction. The consequence, was his having been represented very unjustly, as inimical to the government which he had so long served with zeal and constancy. He voted for the present act to prevent that disturbance of the public tranquillity which the rejection of it would have immediately and unavoidably occasioned, but had declared at the same time, his opinion in favour of a limited bill. He observed, that there were objects of such great national concern, as could only be obtained by the spirit of the people ; that spirit was now become universal ; and that it was the duty of the representatives of the people, to repeat the public voice, and to conform their conduct to the determined spirit of the nation. He recommended, to proceed with unanimity and firmness, with that duty, loyalty and attachment which they owed to their sovereign, and

with that regard to the inseparable connection between the two kingdoms, which the constitution of Ireland, and the mutual interests of both kingdoms required.

Mr. *George Ponsonby* moved, that a dutiful and loyal address should be presented to his Majesty, thanking him for his most gracious message, and assuring him, that his faithful Commons would immediately proceed upon the great objects he had recommended to their consideration.

Mr. *Grattan* said, he would state to the House his reasons for changing, in some measure, the form of the address proposed by the Hon. Gentleman, and hoped to induce the House, rather to declare that they had considered the causes of jealousy; and that they were contained in his original motion for a declaration of rights, which he would now move as an amendment to the address. He said he had nothing to add, but to admire by what steady virtue the people had asserted their own rights. He was not very old, and yet, he remembered Ireland a child. He had watched her growth; from infancy she grew to arms; from arms to liberty. She was not now afraid of the French; she was not now afraid of the English; she was not now afraid of herself. Her sons were no longer an arbitrary gentry; a ruined commonalty; Protestants oppressing Catholics, Catholics groaning under oppression—but she was now a united land.

Turn, said he, to the rest of Europe, you will find the antient spirit every where expired. Sweden has lost her liberty, England is declining; the other nations support their consequence on the remembrance of a mighty name, but ye are the only people who have recovered your constitution—who have recovered it by steady virtue. Ye not only excel modern Europe, but ye excel what she can boast of old. Whenever great revolutions were made in favour of liberty, they were owing to the quick feeling of an irresistible populace, excited by some strong object presented to their senses. Such an object was the daughter of *Virginus*—sacrificed to virtue; and such the seven bishops, whose meagre and haggard looks expressed the rigour of their suffering: But no history can produce an instance of men like you, musing for years upon oppression, and then, upon a determination of right, RESCUING THE LAND. You will find that the supporters of liberty in the reign of Charles the first, mixed their sentiments of constitution with principles of gloomy bigotry; but amongst us, you see the delegates of the North, advocates for the Catholics of the South; the Presbytery of Bangor mixing the milk of humanity with the benignity of the gospel—as Christians tolerant—as Irishmen united. This House agreeing with the desires of the nation, passed the Popery-bill, and by so doing got more than it gave; ye found advantages from generosity, and grew rich in the very

act of charity. Ye gave not, but ye formed an alliance between the Protestant and Catholic powers, for the security of Ireland.

Fortunately for us, England did not take the lead; her minister did not take the lead in the restoration of her rights; if she had, we should have sunk under the obligation, and given back in sheepish gratitude the whole advantage; but the *virtue, the pride of the people* was our resource, and it is right that people should have a lofty conception of themselves; though it is wonderful they should preserve their antient pride, not having amongst them any of those outward and visible signs of glory, those monuments of their heroic ancestors, such as were wont to animate the antient Greeks and Romans, and rouse them in their country's cause. But they had nothing, such as these to call forth the greatness of the land, and therefore it is astonishing they should preserve their pride; but more astonishing, that they should proceed with a temper seldom found amongst the injured, and a success never but with the virtuous. They have no trophies, but the *liberty* they transmit to their posterity is more than trophy. What sets one nation up above another, but the soul that dwells therein; for it is of no avail, that the arm be strong if the soul be not great. What signifies it, that three hundred men in the House of Commons—what signifies it that one hundred men in the House of Peers, assert their country's liberty, if unsupported by the people? But there is not a man in Ireland—there is not a grand jury—there is not an association—there is not a corps of volunteers—there is not a meeting of their delegates, which does not maintain the independence of the Irish constitution, and pledge themselves to support parliament in fixing that constitution on its rightful basis. Gentlemen will perceive that I allude to the transaction at Dungannon; not long ago the meeting at Dungannon was considered as a very alarming measure; but I thought otherwise—I approved of it, and considered the meeting of Dungannon as an *original transaction*. As such only it was matter of surprize. What more extraordinary transaction than the attainment of Magna Charta? It was not attained in parliament, but by the *Barons, armed in the field*. A great original transaction is not founded in precedent, it contains in itself both reason and precedent;—the revolution had no precedent—the Christian religion had no precedent—the Apostles had no precedent.

In this country every man has a share in the government, and in order to act or speak they must confer. Now, did not necessity compel them to act—did not necessity compel them to speak—and will not their resolutions tend to restore the rights of their country—they resolve, “that a claim of any body of men, other than the King, Lords and Commons of Ireland, to make laws to bind this kingdom, is unconstitutional and a grievance.”

Is there any man who will deny it, for what were volunteer associations formed, but for the maintenance of the law? And what is the assumed power of the British parliament, but a violation of the law? What is Poyning's law, and the unconstitutional power of the Irish or English Privy Council, but a grievance? What is a perpetual Mutiny-bill, but a grievance? Is there any man who will deny it, or say that we have not cause to complain of this execrated statute? And if you feel the injury, the people are ready to support you. They protest against an independent army—against a dependent legislature—against the abomination of a foreign legislature—against the assumed authority of council;—they were more constitutional than more formal assemblies—they have protested only against what parliament ought to redress; and pray, Sir, have not the constituents a right to inform their representatives?—Let other nations basely suppose that the people were made for government; we assert that government was made for the people; great and august as they are, they do but perform their periodical revolutions; even the crown, that great luminary, whose brightness they all reflect, receives his cheering fire from the flame of the constitution, and therefore we may seek the sentiments of public meeting; and when we speak, let us speak with effect: Let us speak to the king as to a man who has feelings like ourselves, and like ourselves will speak the claims of liberty.

Did you ever imagine that the men who used to be laughed at in your streets—did you imagine that they who were the scoff of faucy affectation, should prove the saviours of their country? should proceed with such moderation as to be dreadful only to the enemies of their country and to their country's constitution? If England wishes well to Ireland, she has nothing to fear from her strength. The volunteers of Ireland would die in support of England. This nation is connected with England, not by *allegiance* only, but by *liberty*—the Crown is one great point of union, but Magna Charta is a greater—we could get a King any where, but England is the only country from which we could get a constitution. We are not united with England as Judge *Blackstone* has foolishly said, by conquest, but by charter. Ireland has British privileges, and is by them connected with Britain—both countries are united in liberty. This being the decided sense of the nation, the men who endeavoured to make our connection with England quadrate with this sense, are friends to England. We are friends to England on perfect political equality. This House of Parliament know no superior; the men of Ireland acknowledge no superiors; they have claimed laws under the constitution, and the independence of parliament under every law of God and man. It now becomes a matter of policy as well as of right. Will the noblemen, the gentlemen, the armed men of Ireland,

stoop to any other people? No, never. The question is put to us by an act lately made—what is it? but that America differing from Ireland in not having a constitution, in not having a charter;—in having less loyalty than Ireland—in having shed much English blood—that America shall be free! And will Ireland sink in a new point, and be the only nation whose liberty England will not acknowledge, and whose affection she cannot subdue? For acknowledging American liberty, England has the plea of necessity; for acknowledging the liberty of Ireland, she has the plea of justice. The British nation if she consults with the head or with the heart, will not, or cannot refuse our claims; or were it possible she could refuse, I will not submit. The members of this House cannot submit; we have received honours from the people; can we take the Civic crown and lay it at the feet of British supremacy? Shall the colonists of America be free, and the loyal people of Ireland slaves? No—I know the gentlemen of this country too well. I know they will not submit. The submission would go against their personal estimation as well as against their public right. They would not submit to the insult in the face of Europe.

I have done with the supremacies of England, and shall now say a word on the appellant jurisdiction of the House of Lords.

I think that in order to eradicate every cause of jealousy, the final judicator should reside in the Peers of Ireland—'tis the constitution and must be restored. The incompetence of the Lords to decide in questions of law is no argument: The lay Lords in both kingdoms are incompetent, but the law Lords are competent—or why are they judges? Nor can we fear any abuse of this power. The Lords will exercise with caution a power restored to them by the virtue of their countrymen. Besides, let us recollect that to restore this power is a matter of necessity, for we are this day called upon to settle the constitution; and if we leave any thing unsettled, if we leave any thing unasserted, we are responsible.—The people of England are indifferent: I have letters which assure me of it, and that the repeal of the 6th of George I. was opposed, because that repeal was not in *toto*. This is the opinion of Lord Mahon, an Englishman, who understands good sense and constitution. I therefore suppose England meets our wishes, and that the new ministry intend to remove every subject of dispute, and throw themselves on the support of the people; then how can we support them, if any cause of dispute be left? and surely this is cause for future opposition—England has said, state your grievances; and shall we neglect to do so? If we do, and if there shall be general meetings of the people and of the volunteers, to complain of grievances after what is intended for a final adjustment, would England think that there was something insatiable in the Irish people? Let us then restore the appellant jurisdiction, for if that part of the act be not repealed they leave not only the claim of Bri-

tish supremacy standing against us, but they leave the exercise of the power existing. —It must be repealed in *toto*, and if repealed, their original right reverts to the Peers of course. Thus you must either restore the Lords to their privilege, if you mean to remove the claim and exercise of British supremacy, or you must divest them of it by Irish acts of parliament. But will the Peers submit to this? Will the people submit? Will you expose administration to the odium of such an act? It cannot be—the illustrious House of Peers, composed of persons of the first learning, talents and abilities—aged men, matured in wisdom—aspiring youth, animated to glory, never will rest in the fashionable insignificance to which they have been reduced—no, they shall sit in the seat of their ancestors, dispensing justice to their country. England can have no objection to this—she is not so ambitious of the trouble of being an arbiter.

Mr. Grattan again returned to the Mutiny-bill and Poynings' law, which he condemned in the most forcible manner. He said, that he wished to become the decided friend of the Duke of *Portland*, for removing every cause of complaint from Ireland, and that these were the terms on which he was ready to support his government.

A repeal of the 6th of George I. including a restoration of the appellant jurisdiction on the Lords of Ireland.

An abolition of the unconstitutional power of Privy Councils.

And a repeal of the Mutiny-bill.

A Judge's-bill he refrained from mentioning, as he had heard it was returned.

I cannot imagine that the present ministers of England will oppose those rights of the Irish nation; they have been for many years advocates for the liberties of England and of the colonies; it was the great rule of their opposition, and it is impossible that men who are ready to grant independence to America, can oppose the independence of Ireland.—If the late ministry lost half the colonies during the course of an unsuccessful war, Ireland in that time from a colony became a nation; and what can be more advantageous to the declining constitution of Britain, than that Ireland should have spirit? If ministers have the same powers and the same sentiments in office that they had when in opposition, if they are not afraid of Ireland, if they mean to redress, and not merely pacify this country, they will give us *ample and unqualified redress*; the *Irish people* then are their *friends*, the *Volunteers* are their *army*, and we are their *supporters*. We will give them a support very different from the canting of moderation, or that sort of pensioned loyalty whose exertions never went beyond these walls; but then the redress must be *manly*, and strictly constitutional—there must be no *shuffling*, no *artful delay*. I do not say that ministers should take

the lead in this business; if they will but comply, if they will not oppose our rights, I will support their administration. I am very far from saying, that under the present government independent gentlemen may not accept of places. I think that places are now honourable, and in taking one I should be the friend of the people and of his Majesty's governor. I have no personal knowledge of the Lord Lieutenant. I was not acquainted with those about him; nay, if he had sent for me, I am persuaded I should have declined the honour of seeing him. But as I believe his government will be virtuous, so far he shall have my *free support*. The way to make ministers economical, is to support them for nothing—upon principles of virtue.

Mr. Grattan then moved, which was RESOLVED, NEM. CON.

That an humble address be presented to his Majesty, to return his Majesty the thanks of this House for his most gracious message to this House, signified by his Grace the Lord Lieutenant.

To assure his Majesty of our unshaken attachment to his Majesty's person and government, and of our lively sense of his paternal care, in thus taking the lead to administer content to his Majesty's subjects of Ireland.

That thus encouraged by his royal interposition, we shall beg leave, with all duty and affection, to lay before his Majesty the cause of our discontents and jealousies: To assure his Majesty that his subjects of Ireland are a FREE PEOPLE; that the crown of Ireland is an imperial crown, inseparably annexed to the crown of Great-Britain, on which connection the interests and happiness of both nations essentially depend; but that the kingdom of Ireland is a distinct kingdom, with a parliament of her own, the sole legislature thereof; that there is no body of men competent to make laws to bind this nation, except the King, Lords, and Commons of Ireland; nor any other parliament which hath any authority or power, of any sort whatsoever, in this country, save only the parliament of Ireland. To assure his Majesty, that we humbly conceive that in this right the very essence of our liberties exists; a right which we, on the part of all the people of Ireland, do claim as their birth-right, and which we cannot yield BUT WITH OUR LIVES.

To assure his Majesty that we have seen with concern certain claims advanced by the parliament of Great-Britain, in an act, entitled an act for the better securing the dependency of Ireland: An act containing matter entirely irreconcilable to the fundamental rights of this nation. That we conceive this act, and the claims it advances, to be the great and principal cause of the discontents and jealousies in this kingdom.

To assure his Majesty, that his Majesty's Commons of Ireland do most sincerely wish that all bills which become law in Ireland, should receive the approbation of his Majesty under the great seal

of Britain; but that yet we do consider the practice of suppressing our bills in the councils of Ireland, or altering the same any where, to be another just cause of discontent and jealousy.

To assure his Majesty that an act, entitled an act for the better accommodation of his Majesty's forces, being unlimited in duration, and defective in other instances, but passed in that shape from the particular circumstances of the times, is another just cause of discontent and jealousy in this kingdom.

That we have submitted these the principal causes of the present discontent and jealousy of Ireland, and remain in humble expectation of redress.

That we have the greatest reliance on his Majesty's wisdom, the most sanguine expectations from his virtuous choice of a Chief Governor, and great confidence in the wise, auspicious, and constitutional councils, which we see, with satisfaction, his Majesty has adopted.

That we have, moreover, a high sense and veneration for the British character, and do therefore conceive that the proceedings of this country, founded as they are in right, and tempered by duty, must have excited the approbation and esteem, instead of wounding the pride of the British nation.

And we beg leave to assure his Majesty, that we are the more confirmed in this hope, in as much as the people of this kingdom have never expressed a desire to share the freedom of England, without declaring a determination to share her fate likewise, standing and falling with the British nation.

Mr. Brownlow.—It requires no small degree of courage to stand up immediately after the Hon. Gentleman, whose abilities have delighted his admiring hearers, and, I trust, convinced this House of the necessity of the resolutions proposed; yet, as I had the honour to second him in adversity, I cannot avoid maintaining the same honour now that a more pleasing prospect opens to our view. Some gentlemen have doubted whether it was the wish of the people that we should pursue the redress we now require: I hope such gentlemen are at present convinced it is the people's wish.—We now pursue it with a certainty that no corrupt influence, no unconstitutional means will be used to thwart the people's desire. The ministers who have been raised by the people, will support the people's rights; and if they do, they will obtain the confidence of parliament, and every member will support their measures; for my own part, I have the most perfect confidence that the æra is now come, when a member of this House may, without a blush, tell his constituents—I am the friend of ministry and of my country.—I saw some time ago that things must come to this; the people are taught to know their rights, and will have them; there can therefore be no temporising—no artful delay—no political junctions—the people have demanded their rights, and we will

support them. I shall now leave the other side of the House to discuss this subject, I see they are anxious to make atonement, and I will not check the ardour of their patriotic zeal, which after having been so long restrained, is now ready to burst out with double violence, and I shall rejoice in the explosion.

But as to the resolution of rights, the Honourable Gentleman on the floor will have the honour of having reared this infant child—my only merit will be, that though I cannot maintain it with ability, my utmost zeal shall be exerted for its support.

Mr. *George Ponsonby* said, he consented to the amendment, as he would answer that the nobleman who presides in the government of Ireland, wishes to do every thing for the satisfaction of the nation; and he knew that when the address should be properly modelled, and have received the sanction of the House, he would not lose a moment in forwarding it to the Throne; and that he would use his utmost influence in obtaining the rights of the Irish nation; an object on which he had fixed his heart.

Sir *Henry Cavendish* concurred in what Mr. *Ponsonby* had said.

Mr. *Conolly* supported the address. Mr. *Ogle* said, he trusted he had no occasion to declare his perfect concurrence with the sentiments of the Hon. Gentleman who so ably moved the address; he only rose to congratulate his country upon the restoration of her rights; and to observe, that what virtue has obtained, virtue only can support. He believed that the happy æra was now come, when country gentlemen need not be ashamed of sitting on the other side of the House, and supporting the measures of administration.

Right Hon. *Hussey Burgh*.—I am always happy when I have it in my power to join my voice with those who support administration. I had rather be the herald of my country's prosperity than the advocate of her independence. But I have one or two observations to make on the appellant jurisdiction of the Lords, without the restoration of which this country will remain imperfect; for if we rest satisfied without this right, we suffer an English law still to bind Ireland—which is what no man in this House, or in this nation, intends to do. Will any man who has heard the Hon. Gentleman bring forward and support his motion, suppose that God Almighty has stamped incapacity upon the Commons of Ireland? and if not upon the Commons, why upon the Peers? If the Peers are incapacitated, it is because they are robbed of their privilege. Does any man who has seen the trial of an appeal to the British Peers suppose that they are blessed with greater sagacity? But it is not the Irish Peers alone that are robbed of their privilege; the Irish people are robbed of justice. Many a man is obliged to relinquish a just cause from the enormous expence which attends a trial before the British Peers, which would not be the case if justice was dispensed at his door.

As to supporting government, the indispensable conditions of my support have been already mentioned—THE FULL EMANCIPATION OF MY COUNTRY. No man who aspires to the name of Irishman will be content with less. I myself disdain the EMOLUMENTS of office ; the RANK under a virtuous government is honourable ; the labour I would freely undertake.

Mr. *Fitzgibbon*.—Since I came into parliament I never gave a vote which I am not at all times ready to defend upon my legs—No man ever heard me assert the *supremacy of the British parliament*. I do confess, that when the declaration of rights was moved, I voted with administration, on a decided conviction that it was then improper and inadequate to the end proposed. I know it was then improper, for I had the most decided proofs that Lord *Carlisle* was at that time, and had been from the very beginning of his government, labouring with his utmost interest and influence, to procure a repeal of the 6th of George I. [House, *hear ! hear ! hear !*] and to obtain whatever the friends of Ireland could wish. This is but justice to him. Knowing then that Lord *Carlisle* was labouring for the advantage of Ireland, I did not chuse to commit the nation upon a question till it became necessary ; it is now necessary ; and I do therefore most heartily concur with the Honourable Gentleman who moved it. As to the law of *Poynings*’, I think that very great delicacy should be used in managing it ; for it is in many instances useful. The Mutiny-bill I ever opposed, because I feared it laid the foundation of a military government. But no man has said that the Duke of *Portland* has power to grant us the redress for which the nation is now committed ; but as the nation is connected, no man I hope will recede, but go *through* HEART and HAND ; for as I was *cautious* in committing the nation, so will I be *firm* in asserting the rights.

Mr. *George Ponsonby* said, all which can be expected from a Lord Lieutenant is, that he will faithfully represent the desires of the nation ; he cannot answer for the English Parliament.

Mr. *Fitzgibbon*.—My declaration is, that, as no man knows what power the Duke of *Portland* has, and as the nation is now COMMITTED to obtain a restoration of her RIGHTS, it behoves EVERY MAN to stand FIRM.

An address to the Lord Lieutenant, introduced by Mr. *O’Neil*, was unanimously voted, as follows :—“ Resolved, that an humble address be presented to his Grace the Duke of *Portland*, to congratulate his Grace on his arrival in this kingdom, to take upon himself the government thereof, and to express to his Grace, the high expectations this House entertains of the happiness this kingdom is likely to enjoy under the administration of a nobleman of such high and distinguished character.”

As soon as the address to the Lord Lieutenant had passed, Mr. *Fitzgibbon* rose, and taking notice that the suddenness of Lord

Carlisle's departure, having rendered it impossible to convey to him the opinion entertained of his administration in the way of address, he said, he should move a resolution of that tendency. From the knowledge he had of his Lordship's character as a private man, and his conduct as a public minister, he felt himself called upon in the strongest manner, and he thought the propriety of his motion was so evident, as to require no support; but if it were opposed, he felt himself able to maintain and defend it in the fullest manner.

Mr. *Daly* said, he had real pleasure in seconding the motion. It was the first time of his life he had taken such a part, and he felt himself happy in the present opportunity of doing it: He had acted with the late ministry and supported it; he approved of his conduct in having done so, and it was with sincere satisfaction he declared his sentiments of the character whose administration he had assisted. His Lordship having left the government, every candid man must admit the sincerity of his professions, as he could hope for nothing by making them.

Mr. *O'Neil* said, as he had moved an address to the present Lord Lieutenant, he was happy in paying his tribute to the late. He had acted in his support, he admired his character, he approved his government.

Mr. *Grattan* said, he could not agree to the motion; however, Lord *Carlisle* might be respectable in character, many of his measures he had disapproved and opposed; and as he could not support the motion without implying an approbation of the government, he felt himself bound to resist it.

Mr. *Forbes* also opposed the motion upon similar grounds, and was supported by Mr. *Flood*, who took notice of the various oppositions which had been given to constitutional motions, and the great majorities on those occasions, which he said had been procured by corrupt influence—that no one who had voted the unanimous address of the day, could support this motion. If, however, it was amended, so as to make it point to Lord *Carlisle's* late conduct in representing the wishes of the nation for a repeal of the 6th of George I. and for recommending that measure, he would then support the resolution.

Colonel *Cunningham* thought the motion proper as it stood. He had supported the measures of the late government upon principle and conviction, and the more he reviewed his conduct, the more he approved it, and he loved and honoured the characters who composed it. He disdained the idea of corrupt influence—he never had seen it exerted—he never had felt any—he had received no favour or obligation, his motives were pure and honourable.

Mr. *Toler* spoke warmly in the same strain. General *Cunningham* mentioned his confidential situation, which had given him frequent access to Lord *Carlisle*, and connected him in habits with

his minister; this circumstance enabled him to speak with fullness and knowledge; and he was happy to declare, that in every instance, he had seen their sentiments and measures dictated by the best intentions towards this country; and that he believed from his heart, that there never was a Lord Lieutenant in Ireland, and that there never would be one, who had, or could have the interests of the kingdom more dearly and earnestly at heart.

Right Hon. *J. Beresford*.—I support this motion of thanks to the Earl of *Carlisle*, from an intimate knowledge and thorough conviction, that he is the zealous and indefatigable friend of Ireland.—I did not think proper or expedient to support the resolution of rights, when formerly moved in this House, because I knew that the Earl of *Carlisle* was exerting his utmost interest and power in our behalf, and to obtain our wishes; but in my official capacity, I have ever maintained the rights and independence of Ireland; who is the man that will assert the contrary? But I did not support the resolution of rights, because it was an inadequate remedy; it was insufficient to take the country from the state of bondage under which the 6th of George I. had laid it. My views ever went to the removal of this act; till this was likely to be removed, I thought a resolution useless; but as the address of this night is likely to accomplish what I so much wish, I give it my most hearty support.

The *Attorney General*.—I should be ashamed to exist, was I to sculk from this motion. The vote that we are going to pass has been honourably and amply earned by the integrity and the ability of the illustrious nobleman on whom it is to be bestowed. Let me ask, if he had remained six weeks longer in office, who would have refused him thanks? But it may be a vulgar opinion, (and vulgar it is indeed, for only with the vulgar it can have weight) that by refusing this nobleman the well-earned tribute of thanks, you pay a compliment to the present chief governor; but that nobleman would be shocked at the base idea. He would be shocked to see the man who has not disgraced the greatest of his predecessors, and who may be an example even to the best who shall succeed him, treated with neglect. I call therefore on the national character, I call upon the gallantry of Irishmen, they will not refuse to this most deserving nobleman, because no longer in power, a tribute, which, if in power, he would have most certainly obtained.

Mr. *Clements* bore honourable testimony of the frugality and œconomy with which Earl *Carlisle* had husbanded the public money; and declared him deserving of every compliment in the power of the House to bestow.

The *Recorder* said, that as one of the city representatives, and uninterested on this question, it might perhaps be more prudent in him to remain silent, but he thought that his constituents would

never refuse the tribute of applause to the man who had secured the liberty of the subject by the Habeas Corpus-bill; and he could from his own knowledge assert, that the minister (Mr. *Eden*) acting under Lord *Carlisle*, had, by his command, taken uncommon pains to add this security to the people's liberty.

That minister, he said, had also acted in the most candid manner, and strongly marked the honesty of his character in the Portugal business, which he (the *Recorder*) had brought forward on the petition of the merchants of Dublin, and he believed those merchants and every man concerned in commerce, would think themselves bound to acknowledge the benefits that were likely to accrue from a national bank, which, while we were debating on a declaration of rights, Earl *Carlisle* obtained for us; and which is a strong mark of our independence. He said, that though he had voted for some questions, which the minister of the Earl of *Carlisle* endeavoured to postpone, yet he was convinced, that he laboured for a power of granting them, and only put them off till such power could be obtained. He concluded with saying, he thought it would be honourable in the house to grant freely what would not have been refused to power.

Mr. *Hartley*.—My honourable colleague has laid me under the necessity of expressing my sentiments, and I shall speak as I think my constituents would have me; but my constituents were by no means pleased with the administration of Earl *Carlisle*, either in political or commercial matters.—They had little cause to be pleased on the sugar business; and as to the bank, its utility has not been proved.

Right Hon. *J. Foster*.—From my acquaintance with the late administration, I knew its zealous endeavours to promote the interests of this country; and that it omitted no opportunity in promoting our constitution or our commerce; and I am astonished when the representative of the city of Dublin, rises to oppose a motion of thanks to a chief governor, to whose anxious attention the trade of that city is much indebted. Ask the merchants of Dublin, have they received protections for their commerce? Did they ever apply in vain for convoys? And have they not returned public thanks to his late Excellency in the most honourable manner? The Hon. Gentleman may differ with me on the subject of the national bank; but this house having been almost unanimous in that measure, is a strong presumption that it is not very erroneous. As to the address of this night, the foundation of it was laid in Lord *Carlisle's* administration; and if that administration had continued to this hour, I am convinced no man would enjoy more happiness in according the wishes of the nation.

Mr. *Hartley*.—Of the national bank I only say, that I do not know how it is to be governed, and therefore can form no opinion of advantage expected from it; and in regard to Lord *Carlisle's*

attention to commerce, I must indeed say, I was one of a deputation from the merchants who waited on him, to thank him for that attention; and I am convinced, that he did exert himself to protect our trade and convoys.

Mr. *Gardiner*.—I hope the house will act by Lord *Carlisle* as if he was still in power, because I am convinced that his best powers were exerted to help us in the vote of this night, and I do attribute it to his zeal and attention.

The *Provost*, (Secretary of State in Ireland.)—I rise in support of the resolution. I have for many years been acquainted with chief governors, and I do declare, that amongst all his predecessors, I have not known any equal to Lord *Carlisle*, nor have I found in any greater ability, greater integrity, or more sweetness of manners; and here let me take the privilege of an old fellow, and pretend to some sagacity—and I will say that the virtue, talents, and integrity of that amiable young nobleman, will at all times command the first offices in the state. No man surely can deserve better of this country. Are the Roman Catholics obliged to him? Are the Dissenters obliged to him? Is commerce advanced? Is constitution improved? Look at the statute book for Lord *Carlisle*'s administration.

The question was put, and carried without a division, there being about five noes.

“Resolved, That the thanks of this House be presented to the Right Honourable *Frederick* Earl of *Carlisle*, for the wisdom and prudence of his administration, and for his uniform and unremitting attention to promote the welfare of this kingdom.”

Ordered, That the *Speaker* of this house do acquaint the Right Honourable *Frederick* Earl of *Carlisle* with the above resolution.

The house adjourned 'till Monday.

MONDAY, APRIL 22.

The house met pursuant to adjournment. The *Speaker* having taken the chair,

The Right Hon. *John Hely Hutchinson*, his Majesty's principal Secretary of State, informed the house, that the address asserting the rights of Ireland, which had been unanimously agreed to the last day of meeting, had been carried up to his Grace the Duke of *Portland*; who had been pleased to declare, “That he would immediately transmit the same to be laid before his Majesty.”

The *Speaker* informed the house that, pursuant to the vote of the 16th, he had presented to his late Excellency, Lord *Carlisle*, the thanks of the Commons, for his prudent, wise, and just de-

postment in the chief government of this kingdom ; and that Lord *Carlisle* had returned the following answer :

To the Right Honourable the SPEAKER of the House of Commons of IRELAND.

“ SIR,

Dublin, 17th April, 1782.

“ I have received your letter, communicating a vote of the House of Commons, acknowledging in terms highly flattering to me, the uniform and unremitted attention with which I endeavoured, during my administration, to promote the welfare of this kingdom : I request you to offer to that House, where you so worthily preside, my most sincere thanks, for this mark of national approbation. It is with cordial pleasure, that I shall ever reflect on the fortunate combination of circumstances, if by them I have been enabled to encourage the commercial interests of the kingdom, to promote the great improvements of this metropolis, to give a new spring to the public credit, to see the liberty of the subject secured by law, to add weight and dignity to the administration of justice, conciliate to his Majesty's government, every persuasion and description of men, and finally to mature the means of uniting a loyal people in general harmony and happiness. Permit me to offer you my best thanks, for the very obliging expressions with which you have accompanied this communication.

“ I have the honour to be, &c.

C A R L I S L E.”

This answer was ordered to be entered on the journals of the house.

The Right Hon. *John O'Neil* read the following answer from his Grace the Duke of *Portland*, to the address of the Commons, congratulating him on his arrival to take upon him the chief government of this kingdom.

“ I thank the House of Commons for this obliging address, and I am happy to find that my appointment to the government of this kingdom is so very acceptable to them. It will give me the highest satisfaction if my administration should answer their favourable expectations, and promote the prosperity and happiness of the people of Ireland.”

TUESDAY, APRIL 23.

Some bills were read a second time, and then the house adjourned.

WEDNESDAY, APRIL 24.

The house met, and proceeded on the bill for the relief of the Roman Catholics.

Mr. *Rowley* declared himself as much a friend to toleration for the Roman Catholics as any man whatsoever, but this bill went too far, it gave them a landed property, which must subvert the constitution, and though the bill was called a bill for their relief, he looked on it to be a bill for the destruction of the protestant religion; he was sorry to see so thin a house, as he hoped there would have been a fuller one on this occasion.

The bill passed with only two or three negatives.

Mr. *Lindsay*, in a short but elegant speech observed, that there were a number of their fellow creatures in the greatest distress in the different prisons, who could not be relieved but by the interposition of parliament.—He painted, in lively colours, the unhappy situation of these unfortunate people, which will ever mark the humanity of his breast—He then moved for leave to bring in heads of a bill for the Relief of Insolvent Persons under a certain description—He promised that every care and caution should be taken in drawing the bill, to prevent fraud and imposition.

Mr. *Burgh*, with his usual manly and irresistible eloquence, which proved the tender and humane feelings of his heart, called the attention of the house to the subject—He drew a moving and melancholy (but true) picture of the distresses of these unhappy people; hoped the house would soften the rigour of the law in favour of these unhappy objects, many of whom were confined in common with the malefactor loaded with crimes, as if the loss of liberty, with meagre want was not sufficient punishment, but he must be considered as a criminal; and, if he should ever obtain his liberty, find he has lost the dearest and most valuable thing in life (his character) though innocent; the numbers confined were a loss to and a load on society; that every possible precaution would be taken to prevent frauds, he therefore would support the motion, which he seconded.

Mr. *Ogle* hoped his Right Hon. Friend (Mr. *Burgh*) knew him too well to imagine, when he rose, that he would oppose any measure of humanity, he only rose to observe, that having before expressed his wish, that no gentleman would introduce any bill of a public nature for the remainder of the session, and which seemed to be adopted by the house, he had only to declare, he did not consider the proposed bill in that light, and that it should have his support.

Mr. *Burgh* declared that he had not any such apprehension, for he was perfectly acquainted with the humane and tender disposition of his Honourable Friend.

Mr. *Hartley* observed, that on a former occasion he had given his opinion on the subject; that he thought the bankruptcy laws sufficient for the purpose, but for that he had been traduced and grossly misrepresented in the public papers, as a cruel and hard-hearted man; but though he had been many years in trade, he defied any man to say he ever put any one to goal for any debt due to him; no man was ever confined for debt on his account; he did not oppose the measure, but hoped proper care would be taken to prevent fraud; he was as much for the relief of his fellow-creatures as any man whatsoever.

Mr. *Kearney* said, in other countries there was a provision made for the unhappy debtor; it had been so here some few years ago, but now there is no provision for the poor debtor, he therefore would support the bill.

Mr. *Colwill*, in a sensible and humane speech, declared himself a friend to the bill.

The motion passed unanimously.

THURSDAY, APRIL 25.

Nine engrossed bills returned from England, were severally passed, and sent to the Lords.

On passing the Roman Catholic bills the house divided, and there appeared for the bills,

Ayes,	—	—	57
Noes,	—	—	11

Sir *Edward Newenham* said, it is well if we or they stop here; we have opened the door; I wish we may not repent it, and that they will not make future demands.

FRIDAY, APRIL 26.

The house met, but did not proceed to any material business.

SATURDAY, APRIL 27.

Some bills received a third reading, and then the house adjourned 'till the 4th of May.

SATURDAY, MAY 4.

The house met, pursuant to adjournment. A motion was made that the house do adjourn to Monday three weeks, which was agreed to.

The Right Hon. *Walter Burgh* coincided in the length of the adjournment, in order to give time to the determination of the English ministry in respect to the claim made by the parliament of this kingdom, for a declaration of rights; the more especially, he said, as it had been rumoured, that a hesitation had been made at granting those privileges.

Mr. *Martin* observed, that the motion appeared to him more than simply unnecessary. It was manifestly hurtful. It betrayed a suspicion where he trusted there was no ground for doubt. If the requisition of parliament, contained in the address of the 16th of April, he yielded to, an appeal to the lords of England must prove of very little injury to the nation. It could only evince a baseness of spirit in an individual. But should it fatally appear to be the wish of Great Britain to resist the unanimous desires of the people, a parliamentary vote of censure against an individual was, in his mind, a measure far beyond the dignity of the legislative assembly. He further observed, that though he was not present on the 16th of April last, he considered himself bound in the most decided and unequivocal manner to support the rights of this country.

Mr. *Grattan* said, that while the nation waited in anxious suspense for the answer of England to our just and constitutional claims, he trusted that no man would be found base enough to betray his country, by lodging any appeal to the British House of Peers from any decision of the Irish Courts, and thereby supporting the usurped power of that house. He believed there was no Irishman capable of such an act; if there was one so degenerate, he should be voted an enemy to this country.

Mr. *Fitzgibbon* referred to his former declaration, "that as he had been *cautious* in committing this country, so now that it was committed, he would be *firm* in supporting its rights;" and said that as the right of making laws to bind Ireland lay in our KING, LORDS and COMMONS, to the total exclusion of all foreign interference, it was idle to suppose that any appeal ought to lie from the law courts here, where only the laws made in Ireland could be supposed to be well understood—to the law courts of a nation whose legislature had no concern, and whose Judges [when the Rights of Ireland should be fully established] might be supposed to be little conversant in our laws; he therefore hoped, and would, if not contradicted, take it for granted, that gentlemen were determined to put an end to appeals of every sort from Ireland to England—[Here Mr. *Fitzgibbon* paused for several minutes, but no answer was made]—and that as the right of making laws binding the subjects of this realm, lay in the legislative body of Ireland only, so the power of explaining and dispensing those laws could only reside in the Irish courts, with appeal to the Peers of Ireland. This he thought necessary now to urge, as there were several suits now in the courts that might be productive of appeals.

Mr. *George Ponsonby* said, he believed he could answer for his countrymen, that no appeals would be made to England. He had conversed with a noble Lord (the Earl of *Ely*) who possibly might be soon in a situation to make some appeal necessary, but that nobleman had declared to him, with the true spirit of an Irishman, that let his fate be what it might—let his *private* loss be ever so great, he would not injure the *public* by appealing to a foreign jurisdiction—he would throw himself for justice upon his country—if he was obliged to appeal, it should be to the peers of Ireland.

The *Attorney General* concluded the debate, or rather the very important conversation of this day.—He said, he was persuaded, that if after what had passed and been pressed by so many gentlemen of consideration and distinction he should remain silent, there was not a man in that house who would not attribute it to fear, paltry fear of losing his office and situation; he had upon former occasions often assured the house, that whenever it should become necessary for him to take a decided part, with respect to the question of the right of Great Britain to bind this country by British laws, they should neither find him backward or unfaithful to this country. He had, he confessed, heretofore protracted, postponed, palliated, and endeavoured to sooth this country from declarations or acts of extremity, because he thought the question of right had died away, and was actually given up by Great Britain: his sentiments in this house upon this subject however had been much misrepresented and misconstrued to his disadvantage, but he was not surprised at it, nor was he in the least offended, that the nation, eager and heated in the pursuit of a great and favourite object, should have considered any man who seemed in any particular (however trivial) to differ from them in sentiment, as an object of public detestation and resentment. He had borne patiently a great deal of public unkindness and abuse, but he did it without regret, because he acted from a conviction, that as a man of honour, and in his peculiar situation he ought not hastily to have declared, that a number of English laws operating upon an immense property here, and upon a great variety of other momentous subjects, acquiesced in, and obeyed for such a length of time, had no power to bind in Ireland. But events had taken place since the last meeting but one of parliament here, which made it indispensably necessary for him *now* to deliver his opinion. The bill brought in by his learned friend Mr. *Yelverton*, and supported by so many members of distinguished abilities and virtue, which had met with his entire approbation, and which he had certified into Great Britain, was not yet returned; the objects of that bill were, to secure and fasten the extensive property, and confirm the other material topics which had been the subjects of those British laws.

If that bill had been returned there could be no objection to declaring that British laws were for the future utterly inoperative in Ireland; by its not being returned, the people of this kingdom were again taught to believe that England insists upon that idle, useless, and pernicious power. He therefore thought it better, that every object of those British laws were for ever doomed to destruction, than that this country should longer be held in even a supposed state of absolute slavery; he did therefore call the attention of the house upon this occasion, to bear witness to the sincerity of his former assurances. He thought this the proper and indispensable moment for it; and that by holding a mysterious or equivocal silence longer upon the subject of right, he should do equal injury to the interests of Great Britain and Ireland. He did consequently, as a lawyer, a faithful servant to the crown, a well wisher to both countries, and an honest Irishman, in the most unqualified, unlimited, and explicit manner, declare his opinion, *That Great Britain has no right whatsoever to bind this country by any law*; and that such acts as have been passed for that purpose in Great Britain, were founded in usurpation or the necessity and confusion of the times; that he never had a doubt upon the question of right, though from motives of prudence and a desire of peace, he had heretofore thought it necessary not to declare any opinion upon the question of right. This he mentioned as a man, neither particularly connected with, nor disconnected from any administration; he had asked nothing from the present, been refused nothing, nor wanted any thing; he therefore pronounced his opinion, *at present*, from the same desire to preserve peace, and from what he conceived to be for the common advantage of the empire without the most distant reference to partiality, prejudice, resentment or dislike. If the tenure of his office was thought to be, the supporting of opinions or doctrines injurious to the undoubted rights of Ireland, he held it to be an infamous tenure; and if the parliament of Great Britain were determined to be Lords of Ireland, he was for his part determined not to be their villain in contributing to it. If matters were to proceed to the extremities which he feared they were verging upon, he should not be an insignificant subscriber to the fund for defending their common rights. A life of much labour, together with the favour of the public, the blessing of Providence, and what was generally called good luck, enabled him to say that he had a landed property of near five thousand pounds a year, and an office of very considerable amount, which would certainly be devoted to the public service. If men in power would entertain intention injurious or adverse to him, he would make their task as easy to them as may be, by declaring these opinions to be his permanent, political creed. He said, that it would be absurd as well as unworthy in him to think of retain-

ing, upon principles injurious to his country and disgraceful to himself, the paltry emoluments of an office, be it what it may, when he was ready to throw his life and his fortune into the opposite scale. These were not opinions taken up rashly, or on the sudden; gentlemen who have been most forward in the emancipation of this country would do him the justice to recollect, that without regard to personal or political connection, he never denied to them their merited applause, through every step of what he conceived them right in. He would say a word as to the absurdity of this claim, though he was sure that it was not at this time necessary, when all men made up their minds about it.——If Great Britain had a right to bind this country by laws, the first act of the British parliament might be to annihilate the Irish parliament, the next to tax the lands of this kingdom to any amount they pleased. If this kingdom had been even a colony, it would be rank injustice to refuse to her loyalty, what had been tendered to America in rebellion. Our conduct during the present American war entitles us, he said, to more than we ask. Another event which had lately happened, and made it necessary for him to speak out, was Mr. *Wallace's* bill, offering freedom to America. This act operates as an act of pains and penalties to the loyalty of this kingdom; for if America be declared free and Ireland left in slavery, no man of either spirit, sentiment, or property, will remain in this country an hour after America will be declared independent. This country will become the absolute sink of the universe, the only part of the British dominions which cannot boast the freedom of the British constitution. Should Great Britain accept of American Representatives in her parliament, the colonists of America may be the legislators of Ireland: as the friend of Great Britain and Ireland, he thought it necessary to express these sentiments boldly, as they may be of consequence to both countries at this anxious awful moment; for if, said he, in my situation I were longer to continue silent, it may be thought in Great Britain that there was yet a diversity of opinion among some of the people of this kingdom. I know the public mind to be on fire—I know the universal opinion and determination of the people—and I think that the peace and quiet of a moment is at this perilous time worth all the pains that can be bestowed for the purchase of them. I have often experienced the indulgence of this house—I have had upon no occasion more reason to return my acknowledgments for its patience and attention than at present—the avowal of these sentiments I owed to Great Britain, to this country, and to myself.

The House adjourned 'till Monday the 27th inst.

A a

MONDAY, MAY 27.

The House met pursuant to adjournment. The following speech was read.

HIS GRACE WILLIAM HENRY CAVENDISH, Duke of PORTLAND, Lord Lieutenant General, and General Governor of IRELAND, his SPEECH to both Houses of Parliament, at Dublin, on Monday the 27th Day of May, 1782.

“ My Lords and Gentlemen,

“ It gives me the utmost satisfaction that, the first time I have occasion to address you, I find myself enabled by the magnanimity of the king, and the wisdom of the parliament of Great Britain, to assure you that immediate attention has been paid to your representations, and that the British legislature have concurred in a resolution to remove the causes of your discontents and jealousies, and are united in a desire to gratify every wish expressed in your late addresses to the throne.

“ If any thing could add to the pleasure I feel in giving you these assurances, it is, that I can accompany them with my congratulations on the important and decisive victory gained by the fleets of his Majesty, over those of our common enemy in the West-Indies, and on the signal advantage obtained by his Majesty's arms in the island of Ceylon and on the Coast of Coromandel.

“ By the papers which, in obedience to his Majesty's commands, I have directed to be laid before you, you will receive the most convincing testimony of the cordial reception which your representations have met with from the legislature of Great Britain; but his Majesty, whose first and most anxious wish is to exercise his royal prerogative in such a manner as may be most conducive to the welfare of all his faithful subjects, has further given it me in command, to assure you of his gracious disposition to give his royal assent to acts to prevent the suppression of bills in the Privy Council of this kingdom, and the alteration of them any where; and to limit the duration of the act for the better regulation and accommodation of his Majesty's forces in this kingdom, to the term of two years.

“ These benevolent intentions of his Majesty, and the willingness of his parliament of Great Britain to second his gracious purposes, are unaccompanied by any stipulation or condition whatever. The good faith, the generosity, the honour of this nation afford them the surest pledge of a corresponding disposition on your part to promote and perpetuate the harmony, the stability, and the glory of the empire.

“ On my own part I entertain not the least doubt, but that the same spirit which urged you to share the freedom of Great Britain, will confirm you in your determination to share her fate also—standing and falling with the British nation.”

After the speech was read, Mr. Grattan called the attention of the house to a subject of the highest importance, and said—I should desert every principle upon which I moved the former address, (*requiring a restoration of the Rights of Ireland*) did I not bear testimony to the candid and unqualified manner in which that address has been answered by the Lord Lieutenant's speech of this day.—I understand that Great Britain gives up *in toto* every claim to authority over Ireland. I have not the least idea that in repealing the 6th of George I. Great Britain should be bound to make any declaration that she had formerly usurped a power—No, this would be a foolish caution—a dishonourable condition. The nation that insists upon the humiliation of another is a foolish nation—Ireland is not a foolish nation. Another part of great magnanimity in the conduct of Britain is, that every thing is given up *unconditionally*. This must for ever remove suspicion. On former occasions, when little acts of relief were done for Ireland, it was premised, “*that it was expedient to do them;*” no such word is now made use of.—Never did a British minister support such honourable claims on such constitutional arguments. With respect to the writ of error, though not mentioned in our address, he took it up in the most effectual way; and indeed the whole tenor of his conduct towards us has been most generous and sincere; We had one advantage—he entertained an opinion that Ireland *was not insatiable*, though it had been asserted that Ireland *was insatiable*—but we are bound to prove the falsehood of that assertion—for as the nation was pledged to itself to obtain a restoration of her rights, so now that her rights are restored liberally and unconditionally, she is pledged to Great Britain, who by acceding to our claims, has put an end to all future questions. We have now *recovered a constitution*, and our business is not to *advance*, but to *maintain* it. Ireland will manifest as much magnanimity in the moderation by which she maintains her constitution, as by the exertions through which it has been recovered. The unanimity with which the British House of Commons acceded to our claims, must for ever do them honour; and the single negative in the Lords, whilst it in no wise diminishes their praise, has its use—it serves to discover, and for ever to exclude from trust or confidence in *either nation*, the man who could not only oppose the interest and happiness of *both*, but also the ardent wishes and desires of his sovereign to make his people happy. We ought not to forget the able support given by those persons who composed the *late* administration of Ireland—it must be highly agreeable to those who compose the present.

The things so graciously offered by our sovereign, are the modification of Poynings'-law, and not only the abridgement of the Mutiny-bill, in point of *duration*, but the forming of it on the

model of the English Mutiny-bill, and prefacing it with a Declaration of Right.

As Great Britain and her ministers have unconditionally agreed to the demands of Ireland, I think the spirit of the nation is called upon to make an unconditional grant to England. The sea is the element which nature points as the scene of British glory; it is there we can most effectually assist her. Twenty thousand seamen would be a noble support, and we, who have been squandering the public money, in all the waste of blind extravagance, cannot surely now deem 100,000*l.* too large a sum when applied to the common defence of the empire—the sum is trifling, but the assistance of 20,000 Irishmen would be great; and gentlemen will now, when they retire to their different countries, have a full opportunity in assisting to raise those men, of manifesting their zeal for the common cause of Great Britain and Ireland. There is also another means of support in our power to give to Britain, though it cannot immediately be entered upon. This country is most happily situated for the construction of docks and the rendezvous of shipping; whatever expence might be incurred by such necessary works, would be repaid by the expenditure of the money amongst ourselves, and might be supported by a prudent and economical management of the public revenues, in the savings of the army, and in every different class of *extraordinaries*. An expence of 17 per cent. in the collection of the revenue cannot be justified: The commissioners will now see that money is to be paid for labour, not for prostitution; therefore let us now enter heart and hand into the great work of reformation, by giving our support to that ministry which has rescued this country from oppression, and will rescue it from corruption. On this principle I shall move you an address devoid of all that fulsome panegyric so commonly offered to Majesty, for I think that truth will be the highest compliment to him.—Mr. Grattan then moved,

“ To assure his Majesty of our unfeigned affection to his royal person and government; that we feel most sensibly the attention which our representations have received from the magnanimity of his Majesty, and the wisdom of the parliament of Great Britain.

“ To assure his Majesty that we conceive the resolution for an unqualified, unconditional repeal of the 6th of George I. to be a measure of consummate wisdom and justice, suitable to the dignity and eminence of both nations, exalting the character of both, and furnishing a perpetual pledge of mutual amity.

“ To assure his Majesty that we are sensibly affected by his virtuous determination to accede to the wishes of his faithful people, and to exercise his royal prerogative in a manner most

conducive to their welfare: and accordingly we shall immediately prepare bills to carry into execution the desires of his Majesty's people, and his own most benevolent purposes.

"That, gratified in those particulars, we do assure his Majesty, that no constitutional question between the two nations will any longer exist, which can interrupt their harmony; and that Great Britain, as she has approved of our firmness, so may she rely on our affection.

"That we remember and do repeat our determination, to stand and fall with the British nation.

"That we perceive with pleasure the magnanimity of his Majesty to disclaim the little policy of making a bargain with his people, and feeling with pride the confidence he reposes in the good faith, generosity, and honour of the Irish nation, we answer with all humility, that his Majesty entertains a just sense of our character—common interest—perpetual connection, the recent conduct of Great Britain—a native affection to the British name and nation, together with the constitution which we have recovered, and the high reputation which we possess, must ever decide the wishes as well as the interest of Ireland, to perpetuate the harmony, stability, and glory of the empire.—Accordingly, we assure his Majesty, that we learn with singular satisfaction the account of his brilliant successes in the East and West Indies, gratified at one and the same instant in our dearest wishes—the freedom of Ireland, and glory of Great Britain.

"That we cannot omit expressing our gratitude to his Majesty, for appointing the Duke of *Portland* to the government of this kingdom.

"That we are convinced his representations were faithful, vigorous, and beneficial—We are acquainted with his character, and relying on his upright and frugal administration, make no doubt that a free people and uncorrupt parliament, will unite to give a constitutional chief governor decided support.

"That we have presumed to lay before his Majesty our genuine sentiments on the change of our situation.—His Majesty will receive them as the voluntary unstipulated tribute of a free and grateful people."

Mr. *Brownlow* said, he never got up with greater pleasure to support a motion. He could not suppress the opportunity the speech afforded him of expressing his sensations of gratitude at the great event which had taken place. Both nations were now one people, united by every tie, enjoying, in common, the same liberty, the same constitution, and the same sovereign. He had been long witness to several addresses that never conveyed truth, but the present address spoke the sincere language of the nation, where Protestant, Roman Catholic, all religions, pressed forward

with gratitude at the present moment. He could not but admire England's resignation of those grants, notwithstanding her claim of power was so evidently ill founded; nor could he less admire the favour conferred on the nation, in sending a Lord Lieutenant not governing by faction, but pursuing measures for the general good of the people. He hoped, he said, by the moderation of all, at the present time, that they would evince they knew where to stop, and when to be satisfied. In respect to the mover of the address, he declared he had too much regard for the modesty of his friend, to speak the warmth of the sentiments he entertained of his abilities and virtue. He should therefore constrain himself, and second the motion.

The *Recorder* said, he rose to express his gratitude at the present event. The address did the mover honour, and had his concurrence in every point, but one which struck him, and indeed gave him an alarm, which was the mentioning that all constitutional questions between both nations were at an end. [Here the *Speaker* being called upon read the paragraph alluded to.] He did not wish to particularize matters, though several occurred. If properly examined, they would find, that their very house originated under an English act of parliament, and many other cases could be adduced, by which it would appear dangerous to cut off the future agitation of constitutional questions; and there was nothing in the speech from the throne that could call for the paragraph. The Honourable Gentleman, he said, had also moved for a sum of money to strengthen the navy of England—he hoped part of that money would be applied to protect this kingdom from the depredations of pirates, and some care taken of our trade. He could see no occasion for the paragraph alluded to, and it could not, consequently, have his concurrence.

Mr. *Monfell* mentioned his being present in the English House of Commons, when Mr. *Yelverton's* bill was proposed to be sent over. He thought that bill went to the removal of every doubt in respect to England, and would answer the end at which the Honourable Baronet aimed.

Mr. *Flood* said, that a great reform must ensue, in consequence of what had been done. It was true, he said, nothing appeared to him, at present, which could disturb the general harmony, but there were many English acts still existing, which operated in this kingdom, and notwithstanding the laudable acquiescence which appeared in the renunciation of English claims, who could engage, that the present administration, might not, at some future period, change its mind? He begged the gentlemen to consider the language held out in the English House of Commons. They asserted a right to external legislation; and he that seconded the motion on the Irish business, did not give up that right, but as matter of convenience and compact. Even the Secretary asserted this right to

external legislation, though he gave up that of internal. It may therefore be imagined in England (continued he) that you imply what they asserted, that they had a right to bind you. He said, that at a former period, he was present in England on the business of sending out foreign troops. They were obliged to get an act of indemnity for such a measure, though the minister afterwards refused the act; and they did not scruple to say, that Ireland was not included in that provision. He could not see the necessity of that paragraph. They were only laying the foundation of prosperity for their country, and giving it a sound constitution. The injuries of that country have been much, and they were in the situation of a person in repairing an old house, who finds that by pulling down a part he must pull down the whole.—These were his parliamentary sentiments before and after his dismissal from office, and he held them to be the sentiments of the present ministry. In a sober moment, he would recommend, that no expressions should be then made, which could be afterwards laid hold of to their prejudice. He thought the paragraph dangerous, and begged to have it withdrawn.

Mr. *Martin* observed, that if the paragraph said, “all constitutional disputes which existed *before* this address, were done away,” it might be adopted with propriety. He thought the address properly applicable and a production of consummate wisdom.

Sir *Lucius O'Brien* contended the address did not comprehend the meaning annexed to it. The king called upon Ireland to state her discontents. We stated them (says he) and it is our own faults if they are not all redressed. The King, Lords, and Commons of Ireland only, have the power to bind us. The power usurped by the English is given up;—the king has declared his readiness to co-operate with our wishes. Can we entertain a doubt, when majesty has led the way, and promised his consent? Though the king has the power of putting a negative on your acts, no cause of discontents can in future exist between the legislature of both nations, for this proof of the wisdom of England is adding the strength of three millions of people to the British standard. Sir *Lucius* said, he would co-operate in the whole of the address at that time, though he would, at another opportunity, give his objections to the mode of the vote of credit, though he would agree to the principle.

Mr. *Walsh*.—I do not rise for the purpose of giving a peevish opposition—I despise such conduct, because I should think it both mean and unmanly.—This should be a duty of unanimity, and it is my wish to contribute to it.

But I cannot possibly agree to part of the address which has been moved by my Honourable Friend, for whom I have the most sincere esteem (Mr. *Grattan*)—I mean those words in the address—*That there will no longer exist any constitutional question between the*

two nations, that can disturb their mutual tranquillity. These expressions I think too strong—because in my opinion, they preclude any future address, if it should be found that any matter had not been stated in the former address, that required amendment or regulation. With respect to the repeal of the 6th of George I.—I rely on it as a lawyer, that it is inadequate to the emancipation of Ireland.—The 6th of George I. is merely a declaratory law—that law declares that England has a power to make laws to bind Ireland.—What then does the repeal of the 6th of George I. do with respect to Ireland? Simply this, and not a jot more, it expunges the declaration of the power from the English statute book; but it does not deny the power hereafter to make laws to bind Ireland, whenever England shall think herself in sufficient force for the purpose. I call upon the king's new Attorney General (Mr. *Yelverton*) as a lawyer, to rise in his place and declare, whether the assumed and usurped power of England to make laws to bind Ireland, will not remain untouched and unrelinquished, though the 6th of George I. should be repealed: Will it be contended, that this assumed power of Great Britain to legislate for us, can be taken away by implication? No lawyer will say it can.

Then Ireland cannot be said to be compleatly emancipated, until England, by an act of her own legislature, unequivocally, and expressly declares, that she has no power to make laws to bind us in any instance whatever. I say, until that is done, Ireland can never have a sincere affection for, or a confidence in Great Britain.—With respect to the fine-spun distinction of the English minister (Mr. *Fox*) between internal and external legislation, it seems to me to be the most absurd position, and at this time the most ridiculous one, that could possibly be laid down, when applied to an independent people. Says he, it would be downright tyranny to make laws for the internal government of a people who were not represented in that parliament by which such laws were made. But with respect to external legislation, this right of prerogative or supremacy, is clearly annexed to the British legislature. See then how pregnant this doctrine of Mr. *Fox's* is with every mischief; nay, with absolute destruction to this country. The parliament of Ireland may make laws for their internal regulations; that is, he gives us leave to tax ourselves; he permits us to take the money out of our purses for the convenience of England. But as to *external* legislation, there Great Britain presides. In any thing that relates to commerce, to exportation, there Great Britain can make laws to bind Ireland. The fair construction of which is this: Ireland, you shall not enjoy your natural and constitutional rights—that of making the most of the produce of your land—you shall not send your goods to the best and most profitable markets.—No, says Mr. *Fox*, that

may interfere with the interest of England, that may touch the pride of the British legislature. So that by this doctrine England may shut or open our ports at pleasure. See then the absurdity of our situation. Ireland is said to have a free trade, but the key of it is in Mr. Fox's pocket.——Ireland is independent, or she is not: If she is independent, no power on earth can make laws to bind her internally or externally, save the King, Lords, and Commons of Ireland.

I therefore again repeat it, that until England unequivocally declares by an act of her own legislature, that she has not a power, in any instance, to make laws to bind Ireland, the assumed and usurped power of English legislation over this country, is not relinquished. But we want not the assistance of England to vindicate the rights of Ireland—to restore her to the purity of her pristine constitution. We possess the power, we possess the will, and, thank God, we possess the fortitude to carry that will into execution. I thought it a duty I owed to my constituents, I thought it a duty I owed to myself, as an Irishman, to state, in the face of my country, those objections, which to me seem decisive against that part of the address, which has been moved by my Hon. Friend (Mr. Grattan) namely, *that there will no longer exist any constitutional question between the two nations, that can disturb their mutual tranquillity.* Whether my objections are well founded or not, I will leave to more able heads than my own, and to time to decide. I shall therefore give my negative to that part of the address.

Sir Henry Cavendish said, he should set the Hon. Gentleman right, for his news-paper intelligence had led him out of the way in respect to Mr. Fox. He knew Mr. Fox's intentions were to make Ireland flourish, and then England flourish also. He then read from his notes the sentiments which Mr. Fox expressed in the British House of Commons in the year 1774, long before the present disputes existed. In the debate on the application of the Irish linen traders, Mr. Fox said, that since the restoration, Ireland had been entitled to a free trade; (the first time, Sir Harry added, that ever I heard that expression made use of;) and that the act of navigation did not preclude them from it. He also went into the right she had of enjoying the woollen-trade equally with England. Said that Ireland, in her own situation, could not go on; and if proper encouragement was not given, it would prove an equal injury to England. If they held it a maxim that Ireland should be kept poor, England would in consequence become poor also. Mr. Fox had not then the power of enforcing his argument, but now that he had the power, he was sure Mr. Fox did his utmost to serve this kingdom.

Mr. Conolly would not, he said, refrain from testifying his gratitude. But he was sorry to see, so early after the joy of the

people, any seeds of future discontents, where none had a right to exist. They had asserted, in what might be deemed their manifesto, that if their discontents were done away, they should share the fate of England. She owed 200 millions, and Ireland but two millions, their grant could therefore be considered no more than a mite to her great expence; but he thanked God that Ireland had men, and though England was exhausted, by thus shaking hands with Ireland, she would undoubtedly prosper. Gentlemen going down into the provinces should encourage the idle to inlist, in order to be of some use to the empire.

The *Provost* observed, that the address was not a common one, and if gentlemen had compared the paragraph with the antecedent parts, no subject of dispute could arise. You tell the king (said he) that no power on earth can make laws to bind us, but the King, Lords, and Commons of Ireland, and would not part with your liberties, but with your lives.—Such were your words in your address to the king. In the answer to that address you were told, that England would gratify you in every wish, and that by the united desires of the parliament of England. An Honourable Gentleman had said, that the claim and the principle is still held alive by the English legislature; but by the Lord Lieutenant's speech we find that principle and claim done away, and you have not only received your estate, but you have also received the title deeds with it. In respect (he said) to what had been said about Mr. Fox, he hoped it would be the last time they should have occasion to advert to what had been said in any other House. It was true, Mr. Fox said he could go into the claims of England, but there remained no need of doing that; and if matters had been left to himself, that he would grant the Irish their rights by an act of parliament. The question for binding Ireland was now for ever at an end. A gentleman, he said, had mentioned Mr. *Yelverton's* bill;—that bill was to be returned to give security to Irish estates. It had been also asked, had they no right in future to agitate constitutional questions? the matter appeared to him in a different light. The address only said, when the present grievances are removed, there will be no occasion for further disputes on the heads of those at present objected to—not by any means precluding the further discussion of constitutional questions. He then expatiated upon the happy situation of the kingdom, and recommended the adoption of moderation and unanimity.

Mr. *Mason*, Mr. *Rowley*, and Mr. *O'Hara*, spoke to the propriety and wisdom of the address, and the latter said, that after his Majesty's message, he did not expect to hear a murmur of discontent.

Mr. *Flood* said, he on his own part, entertained no murmur of discontent. The question comprehended a number of objects,

and he thought it necessary to explain his sentiments on the occasion.

Mr. *O'Hara* again supported the address; as did Sir *Boyle Roche*, who said that the revolution of 1782, brought as many constitutional blessings to the kingdom, as the revolution of 1688.

Mr. *Flood* still contended that the English had not given up the power of external legislation. He entertained a great opinion of Mr. *Fox*, but neither Mr. *Fox* nor the seconder of his motion, had given up that assumption of power. The question was merely whether representation was competent to the power of legislation or not?—Under such circumstances, he thought he had a right to judge, if possible, that at some other time this reservation was to be turned to an improper use.

Mr. *Hartley* hoped no division would ensue on the present question. They had laid their grievances before the throne; and in consequence the English repeal the act. He thought this met the general wish of the people of Ireland; for it ought to be recognized as a thorough renunciation and solid compact.

Mr. *Nevill* gave his hearty concurrence to the address.

Mr. *Walter Burgh* said, though he felt the emotions which every Irishman felt on the present occasion, he did not think to have spoken that day. He was certain, he declared, that no panegyric could add to the favours received, nor could the asperity of discontent diminish them. He attributed the opposition of that day, to a laudable jealousy for the constitution; but however he might admire the principle, he should still lament the consequence. This opposition arose from a mere misapprehension. It should be remembered that the address was an answer to the speech, and not an answer to the proceedings of the Commons of England; and it mentioned, that when grievances recited should be removed, then all jealousies would cease. The address, he said, went to the entire exclusion of the internal as well as the external legislation of England; and meant that no constitutional questions could be afterwards between the two legislatures of both nations. This did not preclude the discussion of their own constitutional questions. How was it possible that they could be affected by a legislature which could no longer assume any power over them? He that voted against the present address would absolutely assert, that England still retained a power to make laws for Ireland.

The *Recorder* observed, that if there could be no constitutional question between the two kingdoms but what regarded legislation, his Right Hon. Friend's argument would be strong and convincing. But he would beg leave to call his attention, and he would endeavour to satisfy him, and the house, that there might be many constitutional questions to interrupt the harmony between the two countries, in which legislation had no part. Had we

forgotten the late ruinous embargo? For his part, as the representative of the FIRST CITY IN THE KINGDOM, he had not. Suppose hereafter the parliament of England should, as the great council of the British nation, address the king for an exertion of his prerogative, by laying an embargo on the trade of both his kingdoms, the parliament of Ireland at the same time sitting; would not that parliament, competent to advise his Majesty as to the affairs of IRELAND, *think its dignity invaded by the interference of the British parliament*; and would not a *constitutional question* be debated in this house, and actually exist, which might interrupt the present harmony?

Suppose peace should be concluded with America, and part of the terms imposed by the British parliament should be, that the products of America should be brought to the *British market only, to the exclusion of Ireland*, would not that be an *injury of the highest nature*; and would not the *interference of a foreign legislature affecting the trade of Ireland*, deserve to be debated within those walls as a *constitutional question*? and yet the words to be inserted in the address are so general and uncircumscribed, as to preclude such an idea.

Permit me to state another instance, where this kingdom may feel itself injured and affected. The legislatures of the two kingdoms being *separate and independent*, it will be prudent to *assimilate* the laws of one country to those of another, that in both there may be the same rule in action. Now, Sir, suppose we should pass a law in conformity to one in England, and which we should consider as beneficial to this kingdom, so that we should originate a law which England had not; and that the British parliament not allowing us the merit of invention, *should address the king to refuse his assent*; would not this interference create a *constitutional question*?

Sir, the confining constitutional questions to acts of legislation only, is too narrow an idea. Every act of state may involve a constitutional question. There are at this hour many British acts affecting Ireland unrepealed; the act for altering the style, the post-office act, the act of navigation, and a multitude of others. The oaths taken this day by the Right Hon. Secretary, are under an *English act*. *Yes, Sir, sit in that chair under an English law*. Are not these objects which constitutionally should be enquired into and reformed? And can any man say, that the consideration of them may not interrupt the harmony between the two kingdoms?

Sir, I highly approve of the speech this day from the throne; and if the address moved for according to the ancient parliamentary form, applied merely to the speech, it should have my hearty concurrence. I do acknowledge that upon great occasions, forms are superseded, and may be disregarded. The present is a great

and important moment, and should not be controuled by forms ; but, in introducing words in the address, for which there is no foundation in his Grace's speech, let us not lose *sight of prudence*, and in an effusion of gratitude preclude the freedom of debating questions, in which we may find the *constitution of this country affected*.

Sir, unanimity this day is the general wish. I sincerely wish for it ; but I lament, that I cannot, consistent with my duty, agree to the words objected to, though I do to all the rest of the proposed address. I feel the obligations we are under to his Majesty and his administration, as strong as any gentleman in this house ; I am sensible of the great abilities of the Hon. Mover ; but I wish he would not insist on this part, as the consequence of relinquishing it would be perfect unanimity.

Sir Benjamin Chapman answered the Recorder, that he felt equal surprise with the Hon. Baronet, on hearing the address moved by his Hon. Friend (Mr. Grattan) but it was a surprise of a very different sort ; a surprise, that an address, instead of a servile echo to the speech from the throne, should at length be found the genuine unequivocal echo of the unanimous voice of the Irish nation. Not the compilation of a venal minister, but the generous sentiment of a grateful country. The language, he said, of 32 counties, of all our gallant associated corps, addressing their representatives. Did any one of those, he asked, ever entertain a thought, that the act regulating the oath of office, or still more absurdly, the act changing the style, mentioned by the Hon. Baronet, should be enumerated a grievance ? Such a sagacity, he said, would be treated with ridicule and contempt if proposed to them.—The answer would be unquestionable. Let us be satisfied in the mutiny bill—in Poynings' and the Judges bill, and above all, let the 6th of George I. be repealed : Thus secure the outlines and barrier of the constitution. Let the principle be avowed and acknowledged, and every minute imperfection must, and will of course be done away. He said, if he agreed with the Hon. Gentleman (Mr. Flood) that the clause objected to was useless, he should concur with him in opposing it ; but was it of no use, he asked, to give repose to the long agitated, and anxious public mind of the nation, or to strengthen the hands of a magnanimous administration, that dared to act honestly ? By shewing the world, that Ireland was not ungrateful, was not insatiable.

Mr. Walsh explained, he spoke only to the power assumed by England ; but he could not entertain the contemptible idea that England had a right to bind Ireland.

Mr. Burgh declared, he did not mean to insinuate that he thought so. It was said, the assumed power would still be retained. If heretofore, by implication it was held so, after making a full re-

nunciation of a claim of legislation, now, could any one suppose that they would be again so childish, as to re-assume those claims? Could a nation speaking to a nation, speak more clearly than they had done? There were no laws now-a-days, enacted like the laws of the Medes and Persians, not to be repealed; and was it because Great Britain could not give them a bond and judgment for the security of what was now about to be done; they did not say that they were satisfied with what *had* been done, but what *should* be done. It mattered not what the opinion of any man might be, the *littera scripta*, the copy of the address was on the table, and could be referred to.

A conversation of no consequence ensued between Mr. Flood, Mr. Grattan, and the Recorder; in the course of which, the former declared, he meant not, by any means, to oppose the address, but to deliver his opinion.

Mr. Burgh again said, that the English legislature having given up all right of binding, a cause of dispute could never exist after. He would only remind gentlemen in what light their opposition would be viewed, when the speech willingly granted all they were willing to ask? And how ignorant must the English think that nation, which was so foolish as not to know, when to ask, and when to be satisfied? He declared, that he had authentic intelligence, that the enemies of England plumed themselves on the differences between both kingdoms; and would they accede to the wishes of the common enemy, and decline that support of England which they had promised to seal with their blood? After the English had broken through the fortrefs of antient prejudices, to set the Irish free, would they refuse to say they were satisfied, and enjoy that freedom in peace; the nation was willing to be happy, and could they refuse to seal that happiness? He was satisfied himself in the upright intentions of the gentlemen who opposed, but was certain a little reflection would convince them that they had no real cause for opposition.

Mr. G. Montgomery spoke in favour of the address, but referred his will to discuss any future constitutional questions.

Mr. Grattan thought it necessary that England should be convinced that we were satisfied. It should seem as if the Hon. Baronet was determined to oppose, before he knew a cause for opposition. He could not but lament, he said, that when he moved, on a former occasion, for a repeal of those grievances, that he had not the assistance of the Hon. Baronet; why did he not come forward with his objections then? Did he awake now? And when England granted all, was determined to oppose. He could forbear comparing his pliancy of disposition *then*, when a minister was to be thanked, to the strongest opposition he gave *now*. An Hon. Gentleman supposes (continued he) that England will again assume this power when she can find herself able, but that supposi-

tion must lose all weight from the solemn surrender England has made of this assuming power. The Hon. Baronet also supposes, that on a peace with America, England will exclude Ireland. The supposition is equally groundless; but the Honourable Baronet knows when all those things are given up, no cause of opposition will any longer exist. He thinks this paragraph fanciful but not necessary. I would not wish to be accounted either volatile or fanciful. I never was so fanciful as to hold any coquetry with administration. After having received liberty, we are to tell England that we are satisfied, and not tell France that we are displeased.

Mr. *Walsh* said, he should be sorry to cause an opposition, and gave it up.

Mr. *Flood* gave the reasons for his opposition over again.

Mr. *Yelverton* suggested, that if the gentlemen would withdraw their opposition for the present, so as to let the motion for the address, as moved by Mr. *Grattan*, pass unanimously upon the general principle stated in the resolution, yet when the address should be committed, if any particular expression did not accord with their opinions, they would then be at liberty to oppose such expression, without incurring the charge of inconsistency.

Right Hon. Mr. *Fitzpatrick* said, that he was sorry to differ from his honourable and learned friend who spoke last; he hoped, and was certain, that it would be the last time that any difference should arise between them. It was not his intention to have taken any part in the debate, on the day when he first had the honour of taking his seat in that house. But he could not but rise to beg of those gentlemen, who meant to oppose the address, not to withdraw their opposition, but to persist in giving their negative, and to take the sense of the house upon the answer to the speech. If the speech, worded as it was, and going to the points contained in it, did not give satisfaction, he should regret the day he ever set his foot in that house. If there were gentlemen who were not satisfied, he begged they would not think of concealing that dissatisfaction, in order to suffer the question of that day to assume an appearance of unanimity; such an unanimity would be false and deceitful, and could only tend to lead the legislature of England into a dangerous and fatal error. The wish of administration was to collect the sense of the people of Ireland; they had called upon the parliament of Ireland to declare their grievances; on the statement of these grievances, the speech of the Lord Lieutenant had given the most solemn and authoritative assurances, that not only their representations should be attended to, but that every wish they had expressed in their late addresses should be gratified—He wished, therefore, to know whether gentlemen were perfectly satisfied with the speech.—There must be an *Ultimatum* to promote and perpetuate the harmony between the two countries, and if the address

did not contain that *Ultimatum*, he looked upon the final adjustment between the two countries as beyond his hopes, and in that sense it was, that he should regret ever to have set his foot within that House.

Mr. *Cunningham* pointed out the absurdity of making future claims on England, when she was willing to grant all now.

Sir *H. Langrishe* said, if I did not know and feel that I was actuated by as free and decided sentiments concerning the constitutional rights of Ireland as any man—If I could not appeal to a conduct conformable to such sentiments—a conduct strictly pursued by myself and my brethren in the *humble* but very critical situation in which we are placed, and in very doubtful and dangerous times.—If I were not so circumstanced, I should not arise to address you this day, or take a part in the high deliberations of the present occasion.

But under such a consciousness, and with such a testimony, I may presume (in common with other gentlemen) to join my congratulations with my country on the *restitution of her rights*, and to offer my acknowledgments to the liberality and wisdom which has *thus restored* them. And, indeed, Sir, whilst we are enraptured at the acquisition of liberty, as of the greatest blessings of life—*endeared* by a long *absence* and *acquired* by great *virtue*, it would be *insensibility* not to *feel*, and ingratitude not to commemorate the *manner* in which it has been conceded—*so entire*, *so unconditionally*, *so affectionate*, *so decisive*, and must from this day, during our existence as an empire, put an end to all jealousies and contentions between the two countries, except *that* contention only which will hereafter for ever subsist—a contention in good offices—an emulation in reciprocal support and assistance, alike in peace and in war—in prosperity and adversity;—and being convinced that when this great compact shall be ratified, to use the words of my Honourable Friend's address, when we shall be gratified in these concessions, "No constitutional question between the two countries will exist to interrupt the harmony between them," it is impossible for me to agree in the objection made to this paragraph of the address.—The king and the parliament of England agree to comply with every thing you ask—this address says, when every thing we have asked shall be complied with, "no constitutional question between the two countries will exist, to interrupt the harmony between them." Can any man alive deny that? And if that be true, which it must be, why should we not say so?—Is it not our duty to say so? Should we not be imperfect and unpardonable to omit it?

It is but common justice to observe, during the course of this great business, that the wise counsels that *guided* and *accomplished*, have not been actuated by the impulse of the occasion, or suggestions of the moment.—They have not made *liberty* a *measure*, or

justice an expedient.—They have proceeded on the *general, enlarged, and decided* system—with that *perfect principle* which respects the rights of *mankind*—and with that affection which regards the interests of a *sister country*.

We have lived to hear a minister tell the British parliament, “That it acquired *dignity*, not *degradation*, by relinquishing a power which was not founded in justice—and that, equal freedom is the only bond that can unite the different parts of the empire.”—Magnificent sentiments;—and we have seen the British nation *reflect* these sentiments *back* on the minister; and the people of England become *unanimous* in the cause of Ireland.—

That great and generous people, when once the errors of old and ignorant prejudices were examined and removed, instantly felt their hearts glow with kindred affection towards us.—They admired the temperate *magnanimity* with which we claimed our rights—and we cannot but admire and remember the *cordiality* with which they restored them—we have lived to see almost the romances of our political wishes realized and accomplished—a sovereign founding his dominion in the affections of a free people—an administration the free advocates of constitution, maintaining authority by the *influence* alone of *public benefits*—and the different parts of the empire uniting and consolidating, not by the hand of power, which is *impotence*, but by the everlasting bonds of *common interest*, of *common affection*, of *common constitution*, of *common liberty*. He apologized for having taken up the time of the House—that what he had said was forced on him by feelings, superior to an influence—that this was not a season for *influence*—The heart of every Irishman is too proud to submit to it—But it was not easy for any gentleman accustomed to deliver his sentiments, to sit silent on the present occasion—nor for any man to consider the relative situation of Ireland, without feeling something like an enthusiasm of happiness—That such were his feelings, which he hoped would plead his excuse for having trespassed on the patience of the House.

Mr. *Walsh* said, that upon hearing such language delivered in such a manner by what is called the Irish minister, he was determined to divide the House; it was not, he said, language fit to be delivered in an Irish senate House.

Sir *Edward Newenham* congratulated his country on her glorious and full emancipation from the usurped dominion of any foreign legislature. He would vote, as he always did, agreeable to the instructions and wishes of those whom he had the honour to represent; their wish was a free constitution, and consequently, thanks of the warmest gratitude were due to the patriotic administration who supported the rights of Ireland. He observed, that three months ago he would, in order to obtain those great national points, have agreed to any address, should it even have

been drawn by one of the hacknied slaves of quondam administrations, but now the address was offered to their consideration, by the Hibernian patriot, and no man could doubt of the purity of his intentions; he could not wish to mislead his grateful countrymen.

Mr. *Ponsonby* jun. said, he wished the gentlemen would divide, that there might be seen, perhaps, three men standing against 250. He wished to let the people of Dublin see the difference of their representatives.—(Here he was interrupted by the *Recorder*, who said that he did not fear to let his constituents see him acting to the best of his judgment, and watching with anxious jealousy the liberties of his country); and Mr. *Walsh* said, that he had ever acted **STEADILY** for the interest of his constituents; no man could accuse him of *whisking round* to every administration. He acted upon constitutional principles as an honest senator ought to do; and though his fortune was not the largest in the House, yet as it was sufficient to render him independent of any minister; it was the patrimony of a respectable family, which had enjoyed it 700 years; and which was longer by above 600 than any property at all had been in the family of the gentleman that had so loudly urged him to divide.

Mr. *Fitzpatrick* rose to apologize, he said, if he had fallen into an error, or broke through the orders of the House. (No, no, was re-echoed from all sides.) His being a stranger in this country, though he originated from it, and equally a stranger to that House, perhaps, would plead an excuse if he had transgressed. He rose, he said, with an anxious desire to know the sentiments of the House and see all matters settled. The warmth he had betrayed, if he had betrayed any warmth, must be ascribed to that motive solely, and he hoped for that motive it would be forgiven. He was anxious to know the ultimatum of their expectations, he was anxious to know the real sense of House, that wrong information might not be sent to the other side of the water. This was the moment to come to a decision. But as one gentleman had declared that he did not hold himself pledged by the address of that day, perhaps many other gentlemen of that House who had not delivered their sentiments, might consider themselves in the same situation. He therefore requested the Hon. Gentleman would keep his word, since the expectations of the nation could not be known without a division, and that division would reduce the matter to a certainty.

Mr. *Bagenal* said, he was not surprised to see his Learned Friend (Mr. *Walsh*) a little alarmed at the manner in which the minister spoke; it was plain speaking—and plain speaking from a minister was a thing so very unusual, that it was really alarming. He had sat in parliament five and twenty years, and never heard such plain

and honest speaking by a minister before; for which reason, and many others, the address should have his support.

Mr. Ogle, after pronouncing an elegant panegyric on the public and private virtues of his Grace the Lord Lieutenant, and paying the like tribute to those of Mr. Grattan, said, that honourable measures should be supported by honourable men, and moved an address of thanks to the Lord Lieutenant, which passed unanimously.

Mr. Gorges Lowther said, he had an opportunity of seeing more Lord Lieutenants speeches delivered at this table than any other gentleman in this house; he had seen bad Lord Lieutenants, indifferent Lord Lieutenants, and but few good; he never expected to have seen such a Lord Lieutenant sent to us as the present, with full power to do every thing for the good of Ireland; he has saved us from slavery and arbitrary power. He was really surprised to hear one dissenting vote to this motion; have we not got all we desired? He hoped one or two negatives would be of little signification, (if they should persist) in comparison to more than two hundred, and he most heartily concurred with the Hon. Gentleman who made the motion, in every particular of it, as a sincere friend to his country.

The house divided upon the words objected to by the Recorder.

Ayes for the address,

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Noes, the two Tellers, the Recorder and Mr. Walsh.

Mr. Bagenal.—I will beg leave to congratulate this country. We have at last got the freedom which all the world should have—it is our birthright; but in our meridian there is no life without it—Our existence now begins, and will depend upon what use we make of the population and wealth that will result from the advantages of a free constitution.

I will beg leave to congratulate England—Instead of a nominal or a repugnant dependent, she has now a powerful, faithful ally, one that she can never exist without.

I will beg leave to congratulate his Majesty—He has conciliated three millions of such subjects as must make him happy—Men as willing to be loyal, as they are determined to be free.

I will congratulate his ministers also—They may now depend upon such support as they ought always to look for.—And to whom does the empire owe all this?—To a man, principally, who is resolved to take no reward from government.—I will not pretend to say he was wrong, though I know that such merit ought to be distinguished in every manner that is possible. Shall every body have what they ought to have, except him alone, to whom every individual in this empire is so much indebted, and by whose example every individual in the universe may be so much benefited?—He has saved this empire from an iron age, and has

restored an unequivocal golden one. By our affectionate alliance with England, we shall not only be benefited ourselves, but shall see a beloved sister revive, without any painful repining, or apprehensions for her prosperity.

In these happy circumstances in which he has placed us (though I honour every *private* compliment I may call those that I see paid to our illustrious benefactor) I believe there is no man that would not blush to think a *Grattan's* child might point at a statue or monument that has often been dedicated to slender or problematical merit, and say, that was my father's, your benefactor's only reward. I have therefore a motion to make you, which might appear like presumption in me, as it is of so much importance to the glory and interests of this kingdom, if I could suppose that any member of the British empire could give it a negative; the support of it is, that we should take into consideration what sum we should grant for the purpose of purchasing a seat, and building a suitable mansion for our great benefactor, in testimony of our gratitude for the unequalled services that he has done for this kingdom. Were we to omit this, or should we do it in a manner unsuitable to the situation he has raised us to, we should be very ungrateful indeed, and never might we expect that a blessing could attend it.

It must be needless to say any thing in favour of such a measure, or I would not dare to be the mover of it. I will only add, that as he has left nothing undone that is material to the prosperity of this kingdom, it can no more lay a precedent for hurtful grants of the same nature here, than *Blenheim* did in Great Britain.

Far be it from me to compare even the services of *Marlborough* to those for which we stand indebted; we have no deductions to make from our gratitude—Without protracting, or any public expence, his efforts have been timed and conducted with so much wisdom, and the appearance of such a being on earth was so essential to the establishment of liberty at this most critical juncture, that without superstition, men may well record him amongst the most propitious interpositions of heaven.

He has crowned his work—and under his auspices the throne of freedom is fixed on so certain a basis, and will probably be always so well supported by the due influence the public are likely to acquire under his system, that with the blessing of God there is no danger of parliament itself ever being able to shake it; nor shall parliament, I trust, ever again be profanely stiled omnipotent. I am conscious I must have anticipated men infinitely better qualified to bring such a measure forward; one excuse I have, for it is not the impatient wish that every body must have to see such a character exalted—not any little vanity to distinguish myself—but as I never had any private acquaintance, nor private

conversation with our great benefactor, I thought it might come as well from one from whom he could not have any item, as from the most distinguished personage that he is intimate with.

Virtue, to be sure, is its own reward, and we know that our generous benefactor is in his own sphere of happiness, content—But shall we be content without doing our duty?—Shall we be ungrateful?—God forbid.

Gratitude seems to be a virtue peculiarly adapted to nations that have received such benefits as ours—It is often neglected by individuals, because it is often out of their power to be as grateful as they wish;—we, I trust, shall never have such another opportunity of exercising ours—God forbid we should let it slip.

To-morrow, after the grant to his Majesty is settled, and after a proper thanksgiving is offered to Heaven, for the happy recovery of our rights, I will move, “That this House do resolve itself into a committee, to take into consideration what sum we should grant for the purchasing an estate, and building a suitable mansion for our illustrious benefactor, *Henry Grattan, Esq.* and his heirs for ever, in testimony of our gratitude for the unequalled service that he has done for the kingdom of Ireland.”

Mr. Gardiner did not rise to oppose, but only to express a wish to have the motion postponed, until it would be honoured with the concurrence of the fullest house, when

Mr. Bagenal gave notice that he would make the motion on the Wednesday following.

Mr. Grattan having made an attempt to speak, his words were drowned in the cry of adjourn! adjourn! after which the House adjourned till to-morrow.

Mr. Grattan moved, that whatever sums should be left in the treasury, for the purpose of raising men in aid of his Majesty's service, should be made good by the House next sessions.

Ordered accordingly.

Mr. Gardiner and *Mr. Foster* expressed their apprehensions, that the sum would be inadequate to the raising 20,000 men for the navy, and the former gentleman said he had intended to have brought in a similar plan, different only in comprehending the army as well as the navy.

TUESDAY, MAY 28.

Sir Edward Newenham said, that he had often introduced heads of a bill to secure the freedom of Parliament; but the House had adjourned then to a long day; however, he now offered them, with full confidence of success, as virtue had re-assumed its seat

within those walls; that from his knowledge of the gentlemen high in the revenue department, he did not wish to exclude them from seats in the House of Commons; he wished only to exclude all inferior officers, for they neither were or could be deemed the real representatives of the people. Was there ever a man of them found to vote in Parliament in opposition to Government that did not suffer for it; He knew it to be a fact, from the dear bought experience of many thousands of pounds which he lost by a single vote; he wished to adopt the sentiments of the respectable and independent freeholders of the county of Mayo, who decidedly called upon their representatives, to "*pluck up corruption by the root.*"

The bill was then read, received, and committed.

Sir *Edward Newenham* moved for leave to bring in a bill similar to that brought into the British House, whereby all revenue officers were excluded from voting at elections for members to serve in parliament; he observed, that the English act disqualified every person holding an office, or concerned in the management of the revenue, but that was not his intention; the commissioners and other superior officers did not come within his idea of disqualification; he flattered himself, that as we now gloried in being a free nation, we should have free elections for members to serve in parliament, for if we did not secure that important point, future parliaments might as quietly submit to foreign usurpation as a former parliament did in the reign of George I.

The Right Hon. Secretary *Fitzpatrick* declared, though he approved of the idea of the bill, yet if it should be found unnecessary here, he would not look upon himself as pledged to support it, though he had supported a similar bill in England, as he looked on the bill to be local.

Mr. *Chapman*, Mr. *Burgh*, Mr. *Mossom*, and Sir *Edward Newenham*, supported the motion, and answered the objections, the bill was on constitutional grounds, the freedom of elections, it was to declare or alter a law, it was not strictly parliamentary to refuse hearing the proposition of any member; if found necessary, it would be negatived.

The opposition was withdrawn, and the motion agreed to unanimously.

Order of the day called and read, for going into a committee to consider of the resolution for granting 100,000*l.* to the Lord Lieutenant, for raising 20,000 men, for aiding his Majesty's navy.

The motion was agreed to unanimously.

Mr. *Grattan* moved for leave to bring in heads of a bill for punishing mutiny and desertion, &c. and for repealing the act now in force, for the better providing quarters for his Majesty's army, and the government and regulation thereof, &c.

He also moved for leave to bring in heads of a bill, for redressing erroneous judgments and decrees. The writ of error

he declared was included; and it was for the final settlement of the judicature of the kingdom.

The motion was agreed to unanimously.

WEDNESDAY, MAY 29.

Mr. Rowley reminded the House, that the many benefits lately obtained in favour of this kingdom, and the many and signal successes obtained in favour of the empire, called in a particular manner for their gratitude and thanksgiving to the disposer of human events. He thought it therefore indispensably necessary to move the house, That an address should be presented to his Grace the Lord Lieutenant, requesting that he will be pleased to appoint a day of public thanksgiving for those great blessings.

This motion being read, and agreed to unanimously, Mr. Rowley moved, That this resolution should be sent up to the Lords for their approbation, in order to make it as general as possible.—Agreed to.

Mr. Ogle said, that every one had received with uncommon pleasure the intelligence of our successes in the West Indies under those gallant officers, Sir George Bridges Rodney, Admirals Hood and Drake, and the force under their command. As the legislature in a sister kingdom had returned them public thanks, he thought it equally incumbent on that house to follow the example; and it was for that purpose he gave notice, that he would to-morrow move a similar vote of thanks to those officers, and those under their command.

The house in a committee on the heads of the Insolvent-bill, Mr. Tydd in the chair.

The Recorder remarked, that on the bringing in of this act it was provided, that it should not militate against the bankrupt laws. He entertained no intentions of altering that provision; but there were some cases, in which individuals coming under the description of bankrupts, and who were too poor to excite the taking out of the statute against them, called for the relief of the house. He would for that purpose move, that a clause be inserted in the present bill, that men in custody for a certain time, and coming under that description, be entitled to the benefit of the present act, under particular circumstances.

Agreed to.

Mr. Foster reported from the committee to whom the vote of credit of 100,000*l.* for raising 20,000 men was referred, which report being read, the sum was made good by the house, and warranted to be paid next session.

Mr. *Grattan* moved, that the said resolution should be laid before his Grace the Lord Lieutenant, together with the address.
Ordered accordingly.

Mr. *Isaac Corry* moved a resolution for the House, that the *Speaker* do write circular letters to the Sheriffs of counties and cities, to use their utmost efforts in raising 20,000 men for the navy, conformable to the resolutions lately passed for that purpose.

Mr. *Yelverton* observed, that the *Speaker* had often written to Sheriffs on occasions of elections, and concerning the members of that House, but he could not remember any precedent which could authorise the present motion. After the warmth so lately expressed by gentlemen in this cause, and the activity which was to be expected from their exertions in the country, he thought such an expedient unnecessary, particularly as an improper use might be made of it; for notwithstanding men of the first property in a county or city are often appointed, yet the office too frequently happens to fall into meaner hands.

Mr. *Corry* withdrew the motion.

Mr. *Bagenal* moved, that the House should, on to-morrow, resolve itself into a committee of the whole house, to take into consideration what sum may be necessary to grant for the purchasing an estate, and building a suitable mansion for their illustrious benefactor, *Henry Grattan*, Esq; and the heirs of his body; in testimony of their gratitude for the unequalled services that he has done for the kingdom of Ireland.

A few words of debate arose; whether by conferring this grant to his heirs in tail, the generous purpose of the grant could be effectually answered. It was asked in case of failure of heirs, to whom should the grant revert? Mr. *Bagenal* thought it should properly devolve to the king. Mr. *Lowther* threw out the idea, that in such case, should a less virtuous chief governor and administration succeed to the rule of this kingdom, was there any improbability, on failure of issue, of this grant being turned to the purposes of corruption? It was at length agreed UNANIMOUSLY, that the motion should pass, subject to such alteration as the House may think fit to-morrow.

During the above conversation, the Right Hon. Col. *Fitzpatrick* hoped he was not out of order, in taking the liberty of informing the House, that the hour was come which his Grace appointed for receiving the address; and that a numerous and most respectable body of gentlemen were under arms, to do honour to the bringing up of that address. The question of adjournment was accordingly put, and both houses of parliament went with the address to the Castle, in a manner unusually splendid.

THURSDAY, MAY 30.

Some cursory business being gone through, Mr. *Holmes* moved that a certain act which comprehended crimes against the state and murder as high treason, should be read: which being done, he said, the inequality of punishments to crimes were a scandal to our laws, and he thought should engage the particular attention of the House.

The *Recorder* gave it as his opinion, that no measure could be more necessary than a general revision of the penal and criminal laws, which contained many things so glaringly cruel, as to amount to an enormity.

Mr. Prime Serjeant *Burgh* declared there was no man more anxious to see a general revision of the criminal law than he was; pains and penalties should, as nearly as possible, be proportioned to the nature of crimes; for, circumstanced as the laws were at present, a jury was constrained, in many cases, to bring in an object guilty, and then recommend mercy. As in small crimes, he said, less punishment should be applied, so in greater, the punishment should be extended; such as inflicting a higher degree of severity in murder than of robbery, as far as the spirit of the constitution will admit; for though to a man of enlightened understanding it should be matter of indifference what might be done with his body, yet in parts of this country, not yet civilized, and where murder was more frequent, he was certain that the punishment ordered by the laws had a proper tendency.

Mr. *Forbes* moved for leave to bring in heads of a bill to secure the independency of the Judges. He said, a bill had been already sent over to England for that purpose, but was altered; though he had an assurance from the noble lord now at the head of the council, that it was not done by him, but found it altered; and afterwards by the unaccountable mistake of the clerk, in confounding the transcript with the report, it came over in that altered condition.—Leave granted.

The order of the day being read, Mr. *Bagenal* rose, and said, that when a sum of any magnitude was to be granted, there were three things to be considered—justice, oeconomy, and the dignity of the nation; in justice, we must consider what the grantee's services were, and what he would have made in his profession, if he had attended to it as closely as he has done to the interests of the public; he said, that men of inferior abilities to our benefactor might have made 50,000*l.* and that in a few years he might double it, if he was to dedicate himself to that instead of superintending the constitution that he had established for us. As to oeconomy, can any body doubt but he will employ his fortune, as he has done his ability, for the good of the public? What we

were going to grant, if we did it handsomely, would operate as the most economical and noble bounty; it would be very bad economy indeed to stint such a steward. As to the glory of the nation, we are still in wretched circumstances, indeed, if we cannot for once afford to grant a sum competent to do ourselves credit, and to give leisure with dignity to our worthy benefactor, to dedicate himself solely to the welfare of the public. He then made his motion, "That 100,000*l.* be granted for the purpose of purchasing an estate and building a mansion for *Henry Grattan, Esq.* and the heirs of his body."

Sir Henry Cavendish said, he was sorry the Hon. Gentleman had been specific in the sum, to avoid the necessity of putting an amendment to the motion. The nation, he said, could not bear, nor would *Mr. Grattan's* own delicacy permit him to accept of such a sum. He declared himself as strong an advocate for the proposition, as any gentleman in the house; because, in his opinion, *Mr. Grattan* had revived the name of patriot, and patriotism itself. He was willing to give him an ample sum; half the money moved for, would purchase 2000*l.* per year, and 10,000*l.* would be amply sufficient to erect a house, and procure a proper equipage.

Mr. Osborne declared, he felt a sensible pleasure in supporting a motion which tended to promote the honour of the kingdom; as it would be recorded to future ages, that an Irishman had rescued the constitution of the nation. It had been held wisdom by the most polished states, to perpetuate the memory of noble actions. Britain has paid such a tribute to the great *Lord Chatham*, who had saved one kingdom; what then must be due to their greater *Grattan* who had restored the constitution of three kingdoms? Whatever reward they would bestow, it did not equal his merit. They should make the reward of virtue as ample as possible, which in every instance to the contrary, where corruption had been gratified, should meet their indignation.

Mr. Dennis Daly paid a tribute of admiration to the conduct of *Mr. Grattan*; but he thought it better to suit the reward to the moderation of his desires, than to the greatness of his merits.

He begged of the House not to force that moderation, for he was convinced, if the sum moved for should be voted, the gentleman would be for returning part of it into the coffers of the state, and if they put him to that necessity they might easily conceive what part he would return.

Mr. Alexander Montgomery said, he was proud they had struck out the way of stimulating men to become true patriots; but at a time that the nation was in debt, and a famine at their door, they should seriously think of their grants, though he did not mean to oppose the present. The distresses which threatened the poor in the

ensuing winter, might possibly call for every resource the House could furnish. They had been mean enough to accept of 50,000*l.* from England which still remained unpaid; 50,000*l.* were granted that day, and 100,000*l.* yesterday; he thought it too much, and they should be just, as well as generous.

Mr. *Cuffe* thought no reward too great for the obligations due to Mr. *Grattan*, but he was certain he would not accept of the sum proposed; nor, circumstanced as it was, could the nation well bear such a grant.

Sir *Edward Newenham*.—We had better wait until all matters are finally settled. No man wishes to compliment Mr. *Grattan* more than I do; I shall not divide against the motion, but I think it premature; he has been thanked by so many respectable bodies of men, that I must suppose he deserves it.

Sir *Boyle Roche* said, that the House had only anticipated the desires of the people; who, if parliament had neglected to reward their benefactor, would certainly have petitioned in his behalf. What, said he, exalted Rome to greatness, but the care she took to reward virtue, and to distinguish those who distinguished themselves in her service. England has sometimes followed her example. She rewarded the Duke of *Marlborough*, and she rewarded the Earl of *Chatham*, but we have more abundant cause to reward our great patriot; and if yesterday, it was right to vote 100,000*l.* to England for restoring our rights, surely this day it is right to vote the same sum to him who caused that restoration.

Mr. *Bagenal* did not think the nation in such a situation but they might promise more for raising troops. Ireland was like an heir in the prospect of a good fortune, and like minors, they might venture to spend a little before they come to their estate. When he made the motion, he could not, for the dignity of the nation, think of a less sum; but as gentlemen differed with him on that head, and as it came from Mr. *Grattan*'s particular friends, he should alter his motion to fifty thousand pounds.

Mr. *George Ogle* said, he entirely concurred in conferring a reward so justly due to such exalted merit; he hoped this country would never incur the reproach that was cast upon Athens, who rewarded her saviour *Miltiades* with a picture.

Mr. *Montgomery* (of Cavan) expressed his concurrence.

Mr. *Conolly* said, that he had great pleasure in bestowing reward on that excellent man, whose eloquence could only be equalled by his integrity. He might, he said, be truly called the saviour of his country. He was not much used to panegyric; but was happy to inform the House, that the Lord Lieutenant did most perfectly coincide in their generous intentions, so congenial to his own feelings, and that the memory of such great events might be perpetuated, he wished to relinquish to the object of the

nation's esteem, that house in the Park, which parliament had lately purchased for the country residence of his Majesty's representative. This house, properly furnished, with an annuity of 2500*l.* secured by act of parliament to Mr. *Grattan* and his heirs, would be an handsome thing, and less burthenfome to the nation than the 50,000*l.* proposed.—He knew the mind of the gentleman in question, and was certain that nothing could be so distressing to him, as the distressing of the kingdom.

Mr. *Metge* hoped they would not confine the sum, but leave it at large to the donor to possess in what manner he pleased; or at least confine it to his male line. If he should leave male heirs, the public would be gratified in the possessors; but if he should have female heirs, they might marry beneath the dignity of their father, and in such case, if it were possible, it would make him unhappy in his grave to know the national bounty should turn to such a channel. His idea was to leave it to Mr. *Grattan*'s own disposal, for he knew his generosity was such, that nothing could give him greater pleasure than to let this bounty revert to that public, from whose hands he received it.

Mr. *Bagenal* said, that he thought it would be very indelicate for this country to fix their worthy benefactor to a spot that possibly he might not like; that he would adhere to the grant's being an estate in lands; but he thought it necessary for him to declare, that though he had an estate to dispose of he would not sell it on this occasion, even if it should happen to be an agreeable one to Mr. *Grattan*.

The *Provost* observed, that where every one wished to manifest his approbation of Mr. *Grattan*'s merit, by agreeing to the address proposed, it would be a hardship to deny them the pleasure. He was convinced his Right Hon. Friend (Mr. *Conolly*) had not any desire to alter the intention of the House; what he had proposed was but an effort of his zeal; nor could it be wondered at that the friend of his Grace the Lord Lieutenant should speak his warm and grateful feelings to that restorer of the rights of Ireland. The idea of offering him the residence provided for viceroyalty, could never be offensive; that, together with 2500*l.* was much more than was demanded, though by no means as much as was merited. How great his merit was, indeed he could not express, but would say with the poet.—“Words would but wrong the gratitude we owe.” The sovereign (continued he) should be left the opportunity of rewarding so great and useful a subject. Lord *Chatham*, besides 20,000*l.* advanced for paying his debts, received a grant of 3000*l.* a year first, and 4000*l.* a year were confirmed to his family after; and great as the abilities of Lord *Chatham* were, he was not so deserving as the object of the present motion.

The Right Hon. Mr. *Fitzpatrick* said, he did not rise to give even the shadow of opposition to an address, as honourable to

that House, as it was to the gentleman in whose favour it was moved; on the contrary, it met with his warmest approbation; for the gentleman who was the subject of the present moment, he not only held in the highest personal esteem, but his character was well known and respected in every country in Europe; was he therefore to let this motion pass in silence, it might, at least, be deemed, but a sullen acquiescence.—He hoped, however, that in saying a word on the measure then before them, his intention would not be misinterpreted into any backwardness to bestow what had been so honourably deserved. The power of rewarding merit was one of the noblest branches of the royal prerogative. The royal prerogative was certainly a part of the constitution; and though it was well known he was no supporter of that prerogative but where it gave lustre to the crown, and made a part of the constitution, yet he thought, that in this country, where the British constitution was just recovered, it should be watched with close attention. Marks of the present nature appertained to the crown, and he could wish to have seen it come from the royal hand. But as the merit of the man was unprecedented, he hoped the present reward would not be admitted as a precedent in future.

The address was unanimously passed, and the report ordered to be received to-morrow.

Mr. *Montgomery* (of Donegall) called the attention of the House to an Honourable Gentleman—THE BEST, THE MOST ABLE, THE MOST INDEFATIGABLE, THE MOST SINCERE, that had ever sacrificed private interest to the advantage of his country.—After such a description, he said, he need not name Mr. *Flood*, who had relinquished the most lucrative office of the state rather than desert the constitution of Ireland; and as he knew the present administration intended to raise its glory by acting on the most liberal principles of freedom, he gave notice, that he did intend to move for an address to his Majesty, that he would be graciously pleased to restore the Right Honourable *Henry Flood* to the office he lately held, and in this he hoped for the concurrence of the minister. He would not, he said, move for any pecuniary reward, as he knew the Right Honourable Gentleman in question was above receiving an alms from his country. He was called upon to name a day.

Colonel *Fitzpatrick* observed, that the place lately held by Mr. *Flood* was not now vacant.

Mr. *Montgomery* replied he had heard indeed that that place had been bestowed on a certain insignificant and contemptible Sir *George Yonge*, whose ill offices to Ireland, upon every occasion, might possibly at some time be properly rewarded.

The Right Hon. Mr. *Fitzpatrick* said, that he did not intend to give the shadow of opposition to the present motion. It would ill become him, to panegyricize a character so highly esteemed in the country, and known to all the countries of Europe, but he begged to be excused if he thought the precedent dangerous. He should be sorry to see this country, which boasted of the English constitution restored, attempt to destroy the royal prerogative, which as a part of the constitution ought to be held sacred. If the Hon. Gentleman was resolved to persevere in his intention, his motion should be first for an address to remove Sir *George Yonge* from his employment. This would be the regular mode of proceeding. He had himself voted in another kingdom to remove certain persons from their places, and he rejoiced in the consequences, as it saved the empire from ruin, and restored the liberties of Ireland.—The merit of the Hon. Gentleman was indeed universally confessed; but great as it was, he thought the rewarding it should be the act of Majesty alone.

Mr. *Montgomery* said, that if the crown had been misinformed, and led to bestow an honourable employment upon an unworthy object, it would be right to undeceive it, and address to bestow it to one that was deserving of it.

Mr. *Walsh* thought it would be highly proper in the house to address to have every mark of favour bestowed on Mr. *Flood*.

Sir *Henry Cavendish* hoped it would not be deemed impertinent if he took up what was said concerning Sir *George Yonge*. He would not mention it, but that he thought it reasonable to confute the false and illiberal charges that had been circulated through newspapers to that gentleman's disadvantage. He knew and could prove them false—false—absolutely false, verbatim et literatim.

Sir *Frederick Flood* said, that though he was convinced that his Honourable Relation never would solicit, and, he believed, never would accept any employment, yet he knew that a mark of approbation from that parliament who rendered themselves so eminently honourable by restoring the constitution of their country, would be highly acceptable to him.

FRIDAY, MAY 31.

Mr. *Yelverton* declared, that heretofore he conceived it necessary, that some statute should be adopted for the better regulation of the transmission of bills into Great Britain, for which reason he had brought in a bill to that purpose. The house could now speak out, as his Majesty in his gracious message had assured them of his assent. Their heads of bills were not in future to be altered any

where. He then moved to withdraw his former bill, in order to bring in one in a more perfect state.

He also moved for heads of a bill for regulating the passing of bills, and preventing delays in the summoning of parliaments.

Ordered accordingly.

Agreed to the report from the committee, that an humble address be presented to his Grace the Lord Lieutenant, praying him to lay the address of the house before his Majesty, that he would be pleased to order 50,000*l.* to be issued for the purchasing a sufficient demesne, and erecting a proper mansion house thereon, for *Henry Grattan*, Esq; and vesting the same in him and his heirs for ever, for his unequalled services to this kingdom, and that the House would make good the same.

Mr. Alexander Montgomery addressed himself to the Secretary, to know if any, and what plan of œconomy and retrenchment the ministry had prepared, and when it was intended to be laid before the House. In the last two days, two large sums had been granted, and more might be given than the nation was able to bear.—He desired this information, he said, as he wished to avoid the necessity of moving for a committee to enquire into the state of the nation.

The Right Hon. Colonel *Fitzpatrick* rose to assure him, that the administration of this country intended to pursue the same system of œconomy and retrenchment that the government of England had adopted, and upon the same principles—a sincere desire to promote the welfare of the nation—but from the shortness of the time, it was found impossible for them to have any digested plan of retrenchment prepared; but if, in the course of the intended reduction, it should be necessary to come to parliament for advice or assistance, they would freely do it. He thought it the privilege and duty of parliament at all times to interfere, when they saw any lavish expenditures of the public money, for they were the guardians of the nation's purse, but since the change of ministry, it was hardly possible that much could be done; and if, with all humility, the present ministers might claim the confidence of the public, upon the same principles that they had entered into office, he hoped the motion would be deemed unnecessary; and he trusted they might lay some claim to public confidence. If, indeed, the present ministers were to act as the former, then such a motion would be indispensable, and parliament would be bound to interfere; but he hoped to shew, during the recess, that government was determined to give efficacy to what the wisdom of parliament had obtained. The late changes would bring about the annual sitting of parliament, and much would be found to do, if the duty of parliament was attended to.

Mr. *Montgomery* said, that it was not unusual for ministers to make the same sort of professions, nor did he doubt but the actions of the Right Hon. Secretary would coincide with his words, but he could wish to see retrenchment and œconomy commenced. Yesterday, said he, we voted 50,000*l.* the day before 100,000*l.* As to the last-mentioned sum, as it was for the purpose of supporting a naval power, he would beg leave to lay before the House a plan for the application of part of it; and if this administration was really as different from the old as they professed to be, he doubted not but they would agree to it.

Mr. *Brownlow* said, we have every reason to rely on the present ministry, for the fullest gratification of the nation's wishes. Will any man pretend to compare them to former ministers, or say that because former professions have been broken, the promises of the present ministers will? What has already been done this session, demonstrates the contrary; and I think it is better for us to let them go on by themselves, than, by bringing matters into a committee, where private friendship and a thousand other motives will embarrass us, and impede what government intends for the advantage of the nation. We have already found their actions correspond with their words, and have no cause to doubt that they will continue to do so.

Mr. *Montgomery* then read his plan of building, manning, and fitting for the sea, and providing for one year with every necessary, five ships of 20 guns and 120 men each; the whole expence not exceeding 50,000*l.*

SATURDAY, JUNE 1.

The House in a committee, Sir *Benjamin Chapman* in the chair, on the bill to repeal the Mutiny-law, which after a considerable time spent therein, and some conversation thereupon, was gone through without any amendment; whereby said law now is in force only 'till the 25th of December, 1783, and no longer.

Sir *Benjamin Chapman* called the attention of the committee to the new preamble to these heads of a bill, which now states a standing army to be contrary to Magna Charta, and only allowed in this kingdom by parliament, from necessity, for a limited time, according to the English act.

Ordered to be reported on Wednesday next.

Mr. *Latouche* said, that while he saw the house employed in business of great national consequence, he did not chuse to give it any interruption, by introducing the sugar business; nor was it his intention to bring it on that day; he only wanted to throw out the

idea. It was acknowledged, he said, that the Irish manufacture^r of sugar was put by the late equalization, by 2s. 10d. per hundred, in a worse situation than they had formerly been. This was a matter worthy of consideration. He had already waited on his Grace the Lord Lieutenant, about this business, and met with such a reception from his Grace and the Right Hon. Secretary, as gave him room to hope this matter would be effectuated with that regard to the interests of this country, which the present administration seemed to have made their primary object.

The *Speaker* said, it would come with propriety before the committee of ways and means.

And the *Provost* said, he could see no objection to opening such a committee.

Mr. *Alexander Montgomery* observed, that he had on Thursday thrown out notice of an intended motion in respect to Mr. *Flood*, because he thought it not honourable to forget the services that gentleman had rendered to the state.—He declared, he had entered on the business without the consent or knowledge of Mr. *Flood*, who, had he known it, would not allow of any such application.—He was still of the same mind, that it was a disgrace to suffer a gentleman to lose 3500l. a year, for his attachment to the interests of his country. He did not yet, he said, relinquish this motion, but would suspend it 'till another opportunity.

Mr. *Walsh*, in a handsome panegyric, bore testimony to the merit and integrity of Mr. *Flood*.

Mr. *Osborne* said, he had before moved for the proper officer to lay before the house, the patent of appointment of the vice-treasurers. The order was not complied with. He urged the necessity of a reform, though he did not mean to suggest any exclusion of either English or Scotch from employments, so far as they merited promotions of that kind. He then again moved, that the proper officer do lay before the house, the patent by which the late vice-treasurers were appointed.

Ordered accordingly.

The Right Hon. Colonel *Fitzpatrick* replied, that when the motion had been formerly made, the patents had not then arrived, and that was the only cause of delay.

Mr. *Yelverton* presented a bill for the repeal of Poynings' law. Read a first time, and ordered to be read again on Monday.

MONDAY, JUNE 3.

The House met, and adjourned 'till Wednesday

Cc

WEDNESDAY, JUNE 5.

Mr. *Walsb* said, Mr. *Flood* had requested him to apply to the House, to postpone the order of the day for going into the bill for regulating the passing of bills, and the repealing of *Poynings'* law, &c.—The bill was ordered to be committed to-morrow.

Sir *Edward Newenham* presented heads of a bill for the better securing the freedom of elections, for members to serve in parliament, by excepting certain revenue officers from voting at such elections.—The bill was received, read, and committed for Friday next.

Mr. *Chapman* reported from the committee of the whole House, on the heads of the Mutiny-bill, and for repealing the bill for better providing quarters for his Majesty's army, and their better government therein.

Agreed to the report, and the heads of the bill ordered to his Grace the Lord Lieutenant, by Mr. *Grattan*, for transmission.

Mr. *Forbes* presented heads of a bill for the better securing the independency of the judges, and the impartial administration of justice, by making their commissions during good behaviour, and removable on the address of both Houses of parliament.—Committed for to-morrow.

THURSDAY, JUNE 6.

In a committee on the bill for the modification of *Poynings'* law, Sir *Richard Johnston* in the chair.

Mr. *Yelverton* remarked, that as the bill then stood, the privy council were obliged to certify all bills which originated in parliament, and no other, without any alteration.

The Right Hon. *Henry Flood* thought it was not perfectly adequate to the idea held out and entertained by the nation, or what seemed necessary to do justice to the constitution. They ought either to declare against all usurpation, or by an effectual repeal to annihilate those pretensions in future. It was the opinion of the Nine of Ireland that this act took away the power of originating bills, and gave it to the privy council. That should certainly be repealed, for he did not see, by any effect in the present bill, but the privy council might recel this power under a corrupt ministry, and it was not to be supposed that the breed of the *Straffords* in political principles, were yet extinct; and an arbitrary government might at some future period take advantage of the negligence of the present hour. He understood, and the nation

understood, that all they aimed at was a similar constitution with England, but the bill by implication cut them off from that benefit. He understood it to be the constitution of the land, that the whole business of legislation was to be done in public; but there was no provision made by this bill which could prevent the smothering of bills, or explain the reasons of a silent negative. By not giving an express repeal to that law, they left alive a power of future revival, when bad men or a bad cause might give rise to such an expedient. He could not see any sort of reason why such a repeal was not brought forward, with a saving clause of such and such things as should be found necessary to retain.—He was afraid that one day or another they would feel all the mischiefs of such a neglect.

Mr. *Yelverton* said, that the Right Hon. Gentleman most certainly agreed in principle with him, and they differed only in mode. Their sentiments were certainly the same. He confessed the bill did not entirely restore what the constitution of England enjoyed, but circumstanced as Ireland was now, it was the best calculated that could be devised. The features of the two sister kingdoms were not exactly alike; some little difference might be discovered in the traits, but they were actually and in fact the same. To restore the constitution of Ireland as it once stood, would in a great measure be restoring tumult and disorder, and going back to the necessity of laws, when a Lord Lieutenant had the same power as the King, made peace and war, and exercised all the privileges of sovereignty. History furnished instances, when in the disputes of the houses of York and Lancaster, two Lord Lieutenants, and two Parliaments were in this kingdom, one arraigning and condemning the acts of the other. The Right Hon. Gentleman complained, that the dissent to such bills as should come back were not to be publicly notified in parliament. He agreed with him, that legislation should be as public as the courts of justice; but in the instance alluded to, he could not see any ill consequences which could possibly result from a silent negative. The question merely amounted to this, was the bill adequate to the constitution they demanded?—He thought it was. They should consider in how liberal and unqualified a manner they had received that constitution. The king sent a message to his parliament in Ireland, to know what was the cause and nature of their discontents?—They pointed out, in answer, three things: first, they demanded a renunciation of binding this kingdom by English laws, and probably the work was effected while he was yet speaking; secondly, the modification of Poyning's law, by cutting off the power of the privy councils of either kingdoms to alter their heads of bills; and thirdly, an abridgment of the duration of the Mutiny-bill.

In consequence of those demands, both Houses of the English parliament passed a resolution consenting to the repeal of every

law which comprehended them as hitherto bound. And the question which now remained, was, whether the bill now under consideration was comprehensive enough to meet the general wish. They had overturned the power of the privy council, and it only remained to know whether bills should come back, to notify to parliament the royal dissent. The manner of giving the royal dissent in England, was a gentle denial. Bills were never expressly negatived, but the King said, he had the bill under consideration. He thought, the not sending such bills over was a sufficient notification of dissent. It was certainly fairer to infer that a bill was under consideration than to receive an express negative. England was said to have conquered Ireland when she gave her a constitution similar to her own; but England had made a second conquest, by amply giving Ireland all her own freedom and commerce; a conquest which existed with pleasure in the minds and in the hearts of Irishmen. Should they hazard those privileges, and say, they still entertained discontents? And what did all this amount to? Was it because when the king denied his assent, that the streets were not lined with soldiers, and after the Lord Lieutenant had paraded to parliament, that Doctor Gayer was not suffered to pronounce the dissent of the king in the usual bad French? It was bringing the negative to their bills to the execution of a public scaffold, instead of receiving their demise in silence. The bill then before them, did virtually repeal every former law which affected the progress of their bills, and went against every statute existing for that purpose. The power of the privy-council was no more to be feared; and no more heads to be introduced, as thenceforward they took the shape of a bill, and such bills not to be altered or diminished, but supposing, for a moment, that they did alter, such bills could not pass, and therefore an alteration would be useless. While the power lay in the privy council of Ireland, parliament could not tell where the alteration was made. His illustrious friend, who introduced a declaration of rights, had stipulated for this matter. Mr. *Yeberton* begged of gentlemen to be content with the substantial benefits they received, and not grasp at a shadow.

Mr. *Flood* replied with his usual ability; he contended for a partial repeal, specifying such parts as they should chuse to retain, and not to lose an atom of form, as form was the essence of the constitution. The sovereign was an absentee, in this kingdom, when the situation of both nations was considered, and the sending over and returning bills would be certified under the great seal. Poynings' law had expressly provided, that their bills should not be altered, and yet the English privy council had the effrontery to continue such alterations.—No ambiguous words were sufficient to protect the rights of the weak against the strong, nor were the provisions of the present bill as explicit as the original

law of Poynings. Lawyers might create doubts hereafter, and they should prefer certainty to doubt, by a repeal.

Mr. *Fitzgibbon* expressed himself of the same sentiments with Mr. *Flood*, and said that this was the time to pull up by the roots all subjects of future contest.

Mr. *Walsh* was also of opinion that a total repeal was necessary to the establishment of the constitution equal to England.

Sir *Lucius O'Brien* defended the propriety of the present bill, and thought it as effectual a repeal as could be devised.

Mr. *Bushe* contended for an actual repeal of Poynings' law. If three or four gentlemen predicted, that it might hereafter be laid hold on, why object (he said) to the former, when a repeal was on all sides aimed at? The Hon. Gentleman had said, that certifying the dissent of bills, was executing the refusal of them on a public scaffold. Better they should be publicly executed, than smothered in the dungeon of a bastille. Parliament (as *Montesquieu* observed) was always correcting others and itself.

The Right Hon. the *Prime Serjeant* observed, that the questions then before them, were, first whether the bill before them went sufficiently to the repeal of the obnoxious parts of Poynings' law; and secondly, whether a private or public dissent was the properest. The bill, in his opinion, was more eligible in its present form, than that of a specified repeal; because it was virtually repealed by a general clause, there was no occasion for a specific one. The great difficulty of the friends of Ireland, was that England started at the idea of disunion; and they had looked at the law of Poynings, as the greatest bond for the union of nations. He therefore thought, that an entire repeal would be cutting the bands which united the two countries asunder. They gained all they wanted, by that bill, without being glaringly offensive, and went to conciliate and not provoke the friends of this country in England. It was asked, whether they preferred certainty to doubt? He would answer, if the bill passed in its present form, they ensured a certainty, if otherwise, they rendered all they asked precarious. Lawyers, it was said, might create doubts hereafter. He did not look upon lawyers to be necromancers, who could conjure up doubts where a foundation for none was laid. Indeed he did not wish that an idea of such doubts should go abroad. The King being an absentee, made a distinction between both nations necessary. In England the King was acquainted with the progress of each bill before it was ready for his assent, but as the same communication could not take place here, it was but reasonable to infer, that for the want of such communication, in some instances, bills might be rejected.

Did gentlemen wish, by a public rejection, parliament should be piqued into a declaration of its rights, and raise a commotion in the state?—Many bills it may be for the good of the country to

meet such a negative, and many had already received a dissent, which, had they passed into laws, would have made that House mourn. He concluded by averring, that he never was more clear, than in the eligibility of the present bill.

Mr. *Hall* spoke in favour of the bill, and said, it would be insulting Great Britain to say any more, when the amplest wishes of the nation were complied with.

Mr. *Forbes* said, though a difference of opinion had prevailed, he must compliment the House that they were no longer debating upon the attainment of their liberties, but in what manner they should receive them. He remembered when the great business they had then accomplished, was called the speculation of speculative men. But it was speculation which those men had reduced to a national blessing. He then defended the propriety of the bill, said it comprehended an effectual repeal, and having, with his accustomed talents of elocution and sound reasoning, refuted every objection, recommended unanimity, and (not to reject the constitution they had so liberally received.

Mr. *Flood* rose again to obviate the objections made to his arguments, in which he was seconded by the Hon. Mr. *Browne*.

Mr. *Toler* spoke in favour of the bill; and, the question being at length put, it was carried without a division, and the report of the committee ordered to be received to-morrow.

FRIDAY, JUNE 7.

The engrossed bill for the repeal of part of Poynings' law being read,

Mr. *Walsh* said, the more he considered the objections made yesterday, the more confident he was, that the present bill was defective. It was a bill which by no means met the idea that every Irishman formed of a constitution similar in every point to that of England, except the absence of the King. By the constitution of England, the King gives or refuses his assent publicly in person, or by his commissioners in the House of Lords of England. The bill only transferred the power of altering from the Irish to the English privy council, and the English *Attorney-General*. This was so far from a melioration of the present contest, that it was pregnant with implication and duplicity, and therefore nothing less than an express repeal could satisfy this nation. The king's public dissent was as necessary as his assent, to prevent their future bills from being smuggled under the cushion, before ever they received the eye of the sovereign.

Sir *Henry Cavendish* begged leave to throw out one piece of information. Neither the privy council, nor the *Attorney-General*, could prevent bills from going before the King. A standing com-

mittee of the privy council were appointed to inspect Irish bills, and they were afterwards referred, if the committee thought proper, to the Attorney and Solicitor Generals, and the result of the whole laid before the King.

Sir *Benjamin Chapman* said, he was one of the committee who prepared that bill, and he expected from the candour of the Hon. Gentleman, that he would allow the good intentions of the committee in preparing of it. The idea thrown out of its not coming up to the English constitution did not carry the weight which the gentleman would attribute. The pronouncing a few words of old French in giving a dissent, could be of little consequence to the constitution. If the minister misbehaved in giving wrong advices to the King, had they not an equal mode of knowing who gave such pernicious council? Could the gentleman wish to deprive the King of the power of consulting any council, or asking the advice of his cabinet? He had heard the arguments of a Right Hon. Gentleman yesterday; but nothing was advanced which could stagger his good opinion of the bill. On a former occasion, when this matter was agitated by the Right Hon. Gentleman himself, none of those objections were brought forward; but now that England gave all that was competent to the wishes of Ireland, every thing must be scrutinized. If the House went into new advices, what assurance had they that the bill would return at all? Or that a consequent alarm would not give birth to new tumults? In regard to the summoning of parliament, he would not say whether some alterations could not be made; but he was certain there never was an act formed by a great Lawyer, that another great Lawyer would not think he could form a better one. Such disputes were only questions of penmanship.—It was an old saying, that doctors differed; but if the patient recovered and again obtained a sound constitution, it was of little importance whether the prescription of one doctor, or the recipe of the other, effected the cure. If Ireland obtained her liberty, he and every honest man would be content, let who would have the honour of procuring it. The dissent was no object to commit the nation: but as for the summoning of parliament, he or another Honourable Friend intended to propose a clause to remove every reasonable doubt.

Mr. *Ogle* said, he must approve of that bill which compelled a chief governor and privy council to transmit every bill that passed the two Houses of parliament, without making the smallest alteration; nor could he see the force of what had been offered in regard to his Majesty consulting with the English privy council, as it was totally out of the power of parliament to prevent him consulting with whomsoever he pleased. Gentlemen, he said, had talked of appealing to the people: The people, no doubt, ought upon great occasions to be consulted, and their instructions re-

ceived with reverence ; but appealing to the majesty of the people, and disturbing them upon every trifling occasion, defeated the purpose it was intended to serve, and put him in mind of an apologue he remembered to have read at school—The shepherd's dogs had been so much harrassed by being frequently called upon to defend the flock against the wolf, when no wolf was coming, that they grew listless, and refused to obey the summons when the wolf was really there.

The Hon. Mr. *Brown* said, that having in our address stipulated for an alteration of the law of Poynings, we certainly meant such an alteration as should be effectual. In the address, the House had not been afraid to name the law of Poynings; and why, in a bill that was professed to be a remedy for the evils of that law, the House should not be afraid to name it, was wonderfully singular indeed. After twenty years conversation on the subject, the House had discovered that the Irish privy council has a power to stop bills, and by way of remedy, it transfers this power to the English privy council, carefully avoiding the name of Poynings'-law. Thus this country is put into a worse situation than it was before; for it is well known that since parliament has been restored to any degree of vigour, the council of Ireland never ventured to use its power, but in such cases as all men approved. The bill takes away the power of the Irish privy council, and gives it to the English; but does it give the Irish parliament any new power? No, it deprives them of the power they now enjoy.

This bill enacts, that the privy council shall transmit such bills as have passed both Houses of parliament, *and no other*. Poynings'-law, which, to stand unrepealed, enacts that the council shall, as a cause for calling a parliament, transmit, under the great seal of the kingdom, the act or acts intended to be propounded in that parliament. Now I desire to know, if both those laws are to stand, how they shall be both obeyed? By the first, the council cannot transmit any bill that has not actually passed both Houses; by the other, no parliament can sit at all 'till the bill or bills intended to be propounded therein, shall first be certified. It is impossible, and I defy any man to say, that if both subsist, we can have a parliament at all. But why not speak out, and name your grievances fairly? When you did, England as fairly granted you redress; but if there was any chance of her taking offence at your endeavouring to right yourselves, it is the very reason that you should be most explicit.

Mr. *Flood*.—It is honourable in men to give the most honourable construction to the words of others; as to my actions, I hope they will answer for themselves.

Mr. *Ogle* explained that he held the most honourable opinion of Mr. *Flood*, and did not intend by any words he used, to con-

vey a different idea ; but thought that a promptness to appeal to the majesty of the people, upon every trivial occasion, weakened the efficacy of such appeal at times when it might be of real advantage.

Mr. Flood.—I took notice of what my Honourable Friend had said, only that he might have an opportunity of doing honour to the benignity of his own feelings. But ministers, popular ministers, will always be ready to appeal to the people when they are conscious that their measures are right. By an appeal to the people the present ministry were called into office. And when men of condition, to whom their country is dear for every reason, appeal to the people, they cannot be supposed to appeal to turbulence or commotion, but to the sober judgment of the public. What was the fate of all our constitutional claims, 'till the voice of the people thundered for redress?—Majorities—rank majorities—'till a voice from America exhorted you to claim your rights, and the desires of the people prevailed. If ever there was a moment when the opinion of the people ought to have a tenfold weight, it is now when they have lined the cause of argument, and encouraged you to speak a language which I will not say you *feared to speak*, but which certainly you were unwilling to speak before.

I oppose this bill, because that under it, it is scarcely possible for parliament to sit at all. By this bill the Lord Lieutenant and council are required to certify to England, such bills, and no other, as have passed both Houses of parliament here. By Poynings' law, which remains unrepealed, parliament cannot sit without a licence from his Majesty ; the privy council cannot apply for a licence 'till they have some bill ready to certify. This may, therefore, be called an act to prevent the meeting of parliaments. I hope this session may be long, for, when this bill passes, it can never be succeeded by another.

This bill was proposed twenty years ago, when parliament was weak and impotent—it was then rejected with disdain—and will you now, when you have your constitution in your hands, WHEN YOU HAVE YOUR CONSTITUTION IN YOUR ARMS, will you now accept of such a humiliating condition, and disgrace the cause of your country by such a pitiful expedient? For my own part, though I have always held that Poynings' law properly explained, according to its true construction, was a sufficient guard to our constitution, yet I am willing to give up my private opinion—let the constitution be settled, I care not by whom.—I say the privy council have now a power of originating bills—is it contradicted?—It ought to be taken away—it is not.—Suppose then, an arbitrary chief governor, and a venal parliament (if no such thing ever existed, then I am wrong in the supposition) suppose they should say, our power of originating bills

is not taken away—yours is—and suppose by an evasion, not very uncommon, they should say, though our power of transmitting any **BILLS** that have not passed both Houses is taken away, yet our power of transmitting **HEADS OF BILLS** is not; 'tis only bills.—To what end then have ye struggled, if you leave your constitution liable to greater injuries than it sustained before? A gentleman has said that he can see no mighty magic in old French words pronounced in a bad tone by a man of the name of *Gayer*. I am surprised that a lawyer, who so immediately benefits by preserving the *forms* of the constitution, should make such a declaration, so totally unlogical; for if it goes as an objection against the royal dissent being pronounced in old French words, it goes as strongly against the royal assent: But I have a veneration for ancient ceremonies; all wise nations reverence ancient customs, and he is the greatest fool in the world who attempts to be witty upon what all mankind respects. These words, indeed, are not such as are now spoken by the frippery coxcombs and petites maitres that go abroad to disgrace their country; they are the words of the great legislators that imparted to us a free constitution; they are the words of the mighty heroes which England sent to conquer France; they are the words of our Edwards and our Henrys; they are the sacred relicts of Agincourt and Cressy.

It has been objected that a repeal of Poynings' law would be going beyond the terms of the address; but this is not logic neither, for the bill at present before us does itself outstep the modesty of the address. Some men, 'tis true, may do any thing, whilst others are circumscribed in very narrow limits; but will you not restore your constitution to what it was before Poynings' law; and every one knows, that before Poynings' law, your **BILLS** were transmitted to the King, engrossed on parchment, under the great seal of Ireland, and that the royal assent or dissent was given to them, *in open parliament*.—Indeed, when you had given up your dignity, wrote them on paper, and called them by the pitiful name, **HEADS OF BILLS**, 'tis no wonder they should drop or be smothered in the English council, or any where else; but now that you are asserting your constitution, and declare that your bills shall go forward to the King, from both Houses, under the great seal of the nation, will you not also say, that they shall come back from the King, and be publicly negatived or approved? Gentlemen have called a public rejection of a bill, a public execution of it; but surely it is more honourable to die on a scaffold, supporting the constitution of your country, than to be basely assassinated from private revenge. Let us then see whether you will now, in the very first instance, shew any irresolution in making a compleat *reform*; if you do, what will be the consequence? How will it appear in the eyes of England, in the eyes of all the world?

I will now propose an amendment to the bill, by inserting after the word "whereas," the words "doubts have arisen on the construction of the law commonly called Poynings", and of the third and fourth of Philip and Mary, explanatory thereof: Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the said law of Poynings, and the said third and fourth of Philip and Mary, be and stand repealed, save only as follows: that is to say, be it enacted, that no parliament shall be holden in this kingdom, until a licence for that purpose be had and obtained from his Majesty, his heirs and successors, under the great seal of Great-Britain: And that all bills, considerations, causes, ordinances, tenors and provisions, of either or both Houses of parliament, shall be of right certified to his Majesty, his heirs, and successors, unaltered, under the great seal of Ireland, by the Lord Lieutenant, or other chief governor or governors, and council of this kingdom, for the time being; and that such bills, and no others, being returned unaltered, under the great seal of Great-Britain, shall be capable of receiving the royal assent or dissent in parliament, according to his Majesty's commission, either for giving his assent or dissent to the same respectively."

And now, Mr. *Speaker*, if I have a feeling in the inmost pulse in my heart, it is that which tells me, that this is a great and awful day; it is that which tells me, that if, after twenty years service, I should pass this question by neglectingly, I should be a base betrayer of my country; it is that which tells me that the whole earth does not contain a bribe sufficient to make me trifle with the liberties of this land. I do, therefore, wish to subscribe my name to what I now propose, to have them handed down together to posterity, that posterity may know there was at least *one man* who disapproved of the temporising bill now before the House; a bill that future parliaments, if they have power, will REFORM, if they have not, with tears will DEPLORE.

The Right Hon. the *Prime Serjeant* observed, that the motion proposed, was, in fact, a new bill in the room of that which had received the sanction of the House in committee, the day before, and not an amendment, and it would be breaking through the rules of that House to receive such a bill without parliamentary sanction. He had heard the arguments of that day, but nothing new had been advanced—nothing but the arguments of the day before in a different mode of language—nothing sufficiently solid to alter his sentiments on the measure before them. He felt as warmly as any man for the interest of his country, but when the tears of the House were called upon, he could not help remarking, that they had stronger motives for exultation and joy than for

tears. The bill did not want an *lota* of all the demands made by the nation. He begged of the Right Hon. Gentleman to shew that a sacrifice was made of the constitution, for there was no grievance complained of in Poynings' law, that was not most effectually done away by the bill. Let men (continued he) judge for themselves, whether those grievances are not removed, when it takes away the power of altering bills any where. Could language speak more plain? When grievances were first started, it was not stated as an Irish grievance, that the King did not give a public negative to bills; alterations and suppressions were all that were complained of; and he read the bill, which expressly mentioned that the privy council "did and should certify all such bills, without addition, diminution, or alteration." The principal complaint went to the alteration of bills; could any thing be more express, than mentioning that they could not in future be altered? If the Right Hon. Gentleman had not a predilection for a different mode, this certainly must have been his own idea.

Mr. *Flood* contended the bill did not expressly prevent one privy council from altering, though according to the letter of the existing law of Poynings' they should not alter; and yet they did so in one instance, and might also do it in another.

Mr. *Burgh* said, it was equally express, that if the English privy council did alter, it could not pass into a law. It was an admirable consequence to Ireland, indeed, that after the bill had received the royal negative, it might be altered! Was it possible to prevent men from doing what they pleased with a subject that was totally nugatory? A common clerk might turn it to any use he pleased—to the most ignoble uses. All that parliament could provide against was the power of alteration; but in other respects, they could no more bind England than England could bind them. Could any law be devised which could give a physical possibility of binding them in other respects, while they had the use of pens and ink? They could only be deprived of the power of passing such bills into law. Was it because they did not keep to the very tenor of Poynings' law, that law, which was loudly called on to be repealed, that the bill before them should be deemed nugatory?

It was urged, that though they could not alter bills, they might originate and alter heads of bills. [Here Mr. *Flood* rose to explain.] If my Honourable Friend disclaims the idea (said Mr. *Burgh*) I am satisfied to relinquish it. It is little matter what could be done with that, which was never meant to be passed into a law; and there is no possibility after this passes into a law, that any thing but bills should be laid before the sovereign. Great stress (he observed) was laid upon the necessary licence from the King to give parliament existence, and without which an end would be put to the meeting of Irish parliaments.

He could venture to assert, there was no danger that any circumstance of that kind could happen ; because it was a maxim in law, that when an old act would be abolished, the provisions of a new one should take place. It was evident, then, that the grievances of alteration and suppression were done away, and that a more explicit mode of words could not possibly be devised, than those adopted in the bill ; except it could be supposed that they were sitting there as grammarians, to parcel out syllables, and not as senators of a great nation. Words might be cavilled at, but the facts were undeniable.—It was strongly contended that a repeal would answer the wishes of the nation more effectually than the present mode. To this he should only answer, that if the same end was attained, was it not tending to the same purpose when they wanted to repeal no more of Poynings' law than what had been deemed a grievance ? The people of England, though at present kindly solicitous for every measure which could lead to conciliation, were alarmed at the repeal of a law, which they looked on as the band of amity between both kingdoms ; and though, in fact, this kingdom did virtually attain the repeal of that law, the English might annex as much leading mischief to the word *repeal*, as gentlemen did that night to its omission.

If (as the Right Hon. Gentleman allowed) it might remain in the statute books, controuled only in point of construction, when the words of the bill repealed it, there remained no cause of cavil. If the end is gained, is it any matter by what means ? England was willing to grant them a perfect constitution, but she must be mad, indeed, to suffer one step to be made towards a separation.—After having stood on the verge of a civil war, it was the business of every man to lay the foundation of lasting tranquillity. The present was the time to fasten an inseparable connection, for if any thing wore the appearance of separation, no doubt the English minister would advise the rejection of the bill, and then the kingdom would be more on the verge of civil war than ever. He begged of gentlemen not to speak to make the people distracted, when that people got all they wanted, and were as remarkable for their moderation as their spirit.

Mr. *Yelverton* declared, that when he introduced the bill, it was to take away every grievance which had been complained of. In his own apprehension, that end was answered. He had no objections however to terms more amplified. He then moved, "that to prevent delays in the summoning of parliaments, be it further enacted, that no bill shall be certified into Great Britain as a cause or consideration for holding a parliament in this kingdom, but that parliaments may be holden in this kingdom, although no such bill shall have been certified previous to the meeting thereof."

Mr. *Daly* contended that the words of the bill were competent to the purpose, and therefore would not give his consent to the

amendment, because he was against the introduction of any matter which might endanger its passage into a law. Government (he said) had guaranteed so much and no more, but the introduction of more clauses, was pushing them forward to a refusal. If any man could be so insidious, as to harbour an idea of future opposition, it was impolitic to throw it out in the first instance, when it went to strangle the freedom of Ireland in its birth.

Sir *Lucius O'Brien* thought the House was bound to the letter of their demands on England; and wondered how it was possible to enter into a proper discussion whether bills were to receive the royal assent, when it was not enumerated among their grievances.

Mr. *Browne* said, he was reconciled to the amendment, but could not agree in the rest. Why did they not take away the power of altering from the English as well as the Irish privy council? This (he said) only furnished an easy way of cushioning bills. "We will not plumply reject (say they) but we will alter, and then the bill falls to the ground." You turn your teeth (continued he) to the Irish parliament, and directly say, they shall not have a power which you give the English privy council.

Mr. *Flood*.—It has been said that the word *repeal* would alarm England, and therefore this mode of altering the law of Poynings by implication is adopted; is this a time for such nice distinctions? Is this a time to fear to speak out in fair and open language, after our sovereign has invited us to state our grievances, with a certainty of redress? Have we not demanded the repeal of that law (the 6th of George I.) by which England pretended to bind this country? And shall we now fear to regulate our own constitution, and leave it in a monstrous chaos of things declared, and things implied? We had 200 years experience of the evil of leaving a possibility of infringing the constitution. Other *Stratfords* may arise—It is our business to guard against them. The Octennial bill was altered—yet you passed it:—and what say you to the Mutiny-bill, in which you were the suicides of your own constitution, just at the moment you had accomplished your own purpose and the desires of the nation, you pitifully abandoned all; and with repenting hand abolished your own works? Do you wish to give the people animating hopes, and then to dash those hopes, and drive them almost into opposition to parliament? No man shall ever say that I want to destroy an atom of any person's merit, my greatest pleasure would be to join in giving well-earned applause; but I cannot consent to have my country stand in a worse situation with regard to the royal dissent, than it did before the law of Poynings. I aim at a *renovation*—not at an innovation of the constitution. I love the sober wisdom of our ancestors; and if it was proper 200 years ago to declare the royal dissent publicly, why should it not again be so established now on the second birth-day of our constitution? I am convinced that nothing will

content Ireland but a constitution similar to that of England. You might as well say, that having been for 100 years deprived of the final judicature, it ought not now to be restored; but I know no length of time that can run against the constitution. Whatever convenient arguments may be used and have efficacy for a day, will not have efficacy for time. An altered mutiny and a sugar bill found support in a rank majority. We were told they were such acquisitions, such favours, that nothing but industry and gratitude were wanting on our parts to make this the happiest country on earth. And gentlemen who opposed those bills were told by the parasites of power, that they were actuated by faction or by disappointed ambition.

What is the use of a charter but to defend the rights of the people against arbitrary power—an half assertion of your rights will never do—I would not leave an atom of power in an arbitrary council, either English or Irish—legislation does not belong to them—nor can you ever have a safe constitution while they interfere. You cannot raise a structure of adamant on a foundation of sand.

Mr. *Burgh* replied, that if he considered the bill as a paltry temporary expedient, he never would be the advocate of such a measure. His soul abhorred such a thought. But his indignation was lost, when he reflected that every cause of complaint was done away by the present bill. When the Mutiny-bill was mentioned, it should be remembered, that the bill originated under part of Poynings' law, which was done away by the bill in agitation. The only grievance that could possibly be laid hold on, was the mode of giving the royal dissent; and as he had given his opinion of that yesterday, he thought it needless to say more.

Mr. *Brown* still insisted, that the English privy council were not cut off from altering, by the bill.

Mr. *Burgh* insisted they were. "You make laws to prohibit theft (said he) but you cannot take away from men the power of stealing."

Mr. *Grattan* said, he heard with great attention and admiration two gentlemen of such uncommon abilities. He had all along conceived, that the four objects of complaint mentioned in the address were all that could be esteemed grievances; the objection never occurred, that the not giving the royal dissent publicly, was comprehended among Irish grievances. In the course of former debates, he never heard the want of public notification complained of; and as the nation did not think of it, the address contained no such object, and therefore administration was not bound to grant that which was not demanded; nor should new matter be started, to hazard the whole of the bill. It was hazarding the substance of that substance, on which they had pledged their lives and fortunes. The question was now, whether new matter,

for which administration was not pledged, and for which the country did not demand, should stand committed. He had no wish to say, that he would not like a public notification, but the country should not commit itself for such a matter. He then enforced the efficacy of the bill, and said it could not be deemed virtual, where there was an unequivocal repeal of two grievances. He thought the bill itself an answer to all arguments which had been brought against it. He would, for his own part, rather become a silent admirer of the two gentlemen's great talents, than take a decided part.

The question being at length put that the bill do pass, with Mr. *Yelverton's* amendment, was agreed to without a division.

SATURDAY, JUNE 8.

The bill for preventing certain revenue officers from voting at elections, was read and adjourned to Monday.

Mr. *Fitzgibbon* said, that though the House was on the eve of an adjournment, yet it was necessary to bring in a bill this session to quiet possessions deriving under English acts of parliament, as the bill sent to England was not returned.

The Right Hon. Colonel *Fitzpatrick* said, that when the last accounts arrived from England, the bill sent over was preparing to be taken into consideration, and entertained no doubts of its being returned.

MONDAY, JUNE 10.

Mr. *Flood* apologized to the House for not bringing on his intended motion, as he was much indisposed, and therefore obliged to defer it 'till 'to-morrow: He could not however but observe, that the case of that man was hard, who for endeavouring to use his utmost endeavours for his country's good, for which he could appeal for his conduct for 20 years, that he had been among them, should have such low illiberal sarcasms thrown out, as being in opposition to government; and to be held up as a leader of sedition, and threatened with 60,000 men in arms. If government were the authors, he thought it unfair to hang him out in that light, as all his endeavours in parliament were on constitutional grounds, and if any man said he was otherwise, he was a liar. I have not, said he, made any offers to government, nor do I expect or ask any. I give my thoughts as an independent man for the good of his country.

The Right Hon. Secretary *Fitzpatrick* declared government were above any such mean proceeding; he always supposed the Hon.

Gentleman intended nothing but what he thought most for the advantage of his country; he did not suppose he meant opposition to the present government. He acknowledged the Right Hon. Gentleman never made any offer or request to government; they had taken distinguished notice of him, and had offered an honourable mark of their regard, which he had thought proper to refuse.

This brought on a conversation for some time on the bill for repealing Poynings' law and the Mutiny-bill.

The order of the day read.

The house in a committee on the bill for better securing the freedom of parliament, by excluding certain revenue officers from voting at elections.

Mr. *Montgomery* (of Cavan) said, he thought the principle of the bill ought to be enlarged, as it was confined merely to those who held places of small salaries; for, in his opinion, the more a man received from the crown, the greater influence it had upon him.

Mr. *Gardiner* said, that before the House went into the bill, he must move for leave to present a petition, signed by several gentlemen, holding revenue offices, against the bill, and he hoped, as the prayer of the petition was against the whole of the bill, that they might be heard by counsel at the bar against the same.

Sir *Edward Newenham* observed, that he was sorry to differ so often from his Right Hon. Colleague, but, as he had come to the House supported by the instructions of his constituents, to forward the bill which he had the honour to introduce, he should not deserve the trust reposed in him, if he did not, in every instance, act conformable to the directions of those whose trustee he was. That, in supporting the wishes of his constituents, he was certain that he was supporting the general sense of the whole nation, and, agreeable to the expressions of the virtuous electors of the county of Mayo—"he wished to pluck up corruption by the root."

Mr. *Fitzgibbon* and Sir *Lucius O'Brien* opposed the bill as unconstitutional, to disfranchise any man or set of men, and as narrow and impolitic to lessen the number of electors where they were so few in comparison to the body of the people.

Sir *Edward Newenham* said, he had acted uniformly for 30 years in public life, and never shifted or changed his ground; he had long, long laboured for the service, and in the cause of liberty he was not the patriot of a day: That, when administration had declared in favour of liberty, that man must be an enemy to Irish freedom, who, by motions or amendments, supported the undue influence of the Crown. He observed, that in 1688 the predecessor of the illustrious *Bentinck's* family was foremost in the glorious revolution, and that he flattered himself the present bill would receive the royal assent under the auspices of a *Bentinck*, whereby his name would be equally immortalized by the glorious revolution

of 1782, when corruption was rejected and virtue supported, and that all wise nations should seize the moment favourable to liberty, and that moment was now arrived.

Mr. *Hartley* said, that by cutting off the lower order of revenue officers, the most numerous part was removed. He had heard, he said, that the bill was objected to as narrowing the number of electors, already too small in Ireland; but, in his opinion, it had directly the contrary effect, for by removing a number of persons under influence, the number of independent electors were increased by just so many as was removed of the other description; besides, he thought that far from injuring revenue officers, it would be relieving them from a very distressing and painful situation; for at present they were not free agents, had no will of their own, and were often compelled to vote against their judgments and their conscience. He thought it might also help to lessen the expence of collecting the revenue, by discharging a number of officers now retained for the purpose of influence.

Mr. *Beresford*, Mr. *Parnell*, and Mr. *Mason*, said, there was no influence used here by the commissioners, on the votes of revenue officers, and therefore though they would not oppose the bill, they thought it unnecessary here, though it might be necessary in England.

Mr. *George Ponsonby* thought, if they excluded the revenue officers, they might as well disqualify every man under the Crown, and would therefore move to include in the bill all revenue officers, which might lessen the expence of collecting the revenue.

Mr. *Beresford*.—Upon a former occasion, when it was asserted that the expence of collecting the revenue in Ireland was $17\frac{1}{2}$ per cent. and in England $5\frac{1}{2}$ per cent. I did not chuse to interrupt the House in debating the great and important business then before them, by entering into an explanation of this matter; but now I am ready to shew that the fact is not so, and if it was, it would not be the fault of the commissioners. There can be no just comparison made between this country and England. England is one third larger than this country; and every part of England is productive of revenue; but in Ireland there are vast spaces of country yielding no revenue at all. In some parts we are obliged to establish officers, merely to prevent smuggling, where there is little or no trade. In others, the collection costs 117 per cent. It is therefore unfair to average such ports with Cork, for instance, where the collection costs but eight per cent.—and doubly unfair to compare them with England, where, perhaps, three distillers pay more excise than the whole kingdom of Ireland. But I can shew, to the honour of the present commissioners, that when the revenue arising from spirits was but half what it now is, the expence of collecting it was double; that fewer officers have been added in the last ten years than in any former period; and that in

that space the increase of the expence of collecting, bears no proportion at all to the years preceding; in order to this I shall go back to the year 1747, in which year the total of salaries was more than 54,000*l*.

In the year 1753 above 59,000*l*.

In the year 1760 above 68,000*l*.

In the year 1767 above 85,000*l*.

In the year 1774 above 97,000*l*.

And at the present day it is but little more than 97,000*l*.

The committee will judge whether the present commissioners have mismanaged the revenue by increasing the expence of collecting for the purpose of influence, when it is proved that in the last seven years that expence has hardly increased at all, and the little increase that is, is owing to excise officers being placed in market towns where stills are set up, according to act of parliament.

There is no man more willing than I am, or more ready to join in any plan that can preserve the freedom of election; but I think that it is a hard measure to have unfounded assertions made, for if you examine you will find that by the improvements in the collection, the revenue has within the last three years increased upwards of 153,000*l*. and this in matters not depending on import or export. So that I hope it will appear that the commissioners have not slept in their duty.

As to depriving a number of persons, very many of them as independent in their spirit, as honest in their principles, as any member of this House, I think it partial, unjust, and highly unconstitutional. The same reasons that are alledged in this case would go equally to disfranchising the clergy and the army. Do the commissioners ever appoint or dismiss any man? No. Government appoints oftentimes, perhaps at the recommendation of members of this House, and the same objections which are urged against persons serving government in this department may with equal justice be urged against those who serve government in any other way. As to myself, I defy the world to say, that as a commissioner I ever influenced any man.

Mr. *Musgrave* said, that the commissioners seemed to think that those heads of a bill cast an imputation on them, as if they appointed to places in the revenue. But they very clearly acquitted themselves having disavowed it, and he was convinced in his own mind that they did not appoint to places in the revenue. Who did then? Why, government. Will you then leave such a dangerous engine in the hands of government? Will you suffer government to extend a sinister influence over such a large portion of the electors of a free government? You cannot even hope to abolish corruption in an age of corruption. That must be effected in an æra of virtue, such as the present.

A virtuous administration now offers you a boon which will strengthen your constitution for ever. Grasp then the present golden opportunity to do so. He said, he knew gentlemen boast during the last general election of mandatory letters, which they carried from the revenue board to the revenue officers, to influence them.

The objections were answered and the bill supported by Mr. *Yelverton*, Sir *Edward Newenham*, Mr. *Kearney*, Sir *Benjamin Chapman*, Sir *Henry Cavendish*, Mr. *George Montgomery*, Mr. *Martin*, Mr. *Bagenal*, and Mr. *Mossom*; the last named gentleman and Sir *Edward Newenham* adduced instances of their own knowledge, where the commissioners had influenced votes of revenue officers.

The Right Hon. Secretary *Fitzpatrick* declared his approbation of the principles of the bill for securing the freedom of parliament, and lessening the influence of the Crown. [Here was a general shew of applause.]

Mr. *Fitzgibbon* proposed an amendment to exclude persons in civil employments under the Lord Lieutenant, Castle, Post-office, &c.

The amendment negatived.

Mr. *Yelverton* did not think the bill went far enough even to meet the honourable mover's idea. He then moved an amendment, that no officer concerned in any branch of the revenue should vote at such elections.——Agreed to.

Sir *Edward Newenham* declared, that his intention in making the bill to continue in force for ten years only, was to make it the more palatable; but, since he found that the House was so sanguine for the bill, he would move for its being perpetual, and accordingly the bill, so amended, was ordered to be received to-morrow.

Mr. *Yelverton* called the attention of the House to the great questions that were to establish the great basis of unity, between the two sister kingdoms; in the manner we are going on, we are frittering away our time in building a temple to liberty, and we are painting the scenes before we have laid the floor we ought therefore, for the short time we are to be together, not to lose a moment in perfecting the great work.

TUESDAY, JUNE 11.

Mr. *Crofton* reported from the committee on the bill for better securing the freedom of parliament, by excluding certain revenue officers from voting at elections for members to serve in parliament.

Mr. *Fitzgibbon* reiterated his former objections to the bill, as being unconstitutional and unjust. He then moved the same amendment as he did yesterday, to insert after the words *public revenue*, "any person holding any place, office, or employment

in the household of any Lord Lieutenant, in any of the secretaries offices, or in the post-office."—After some debate the amendment was negatived.

Sir *Edward Newenham* moved an amendment, that 200*l.* should be inserted in the oath prescribed by the act, instead of 100*l.* as he found, on consulting gentlemen, that the lowest gauger or hearthmoney man might swear to the value of 100*l.* yearly.

The amendment was agreed to.

Mr. *Flood* said, he would not, until he saw the Hon. Secretary in his place, make his intended motion, that he might have every advantage.—Mr. *Fitzpatrick* having arrived, Mr. *Flood* arose, and said, he heard that a bill for repealing the Declaratory-law of the 6th of George I. was brought into the English parliament, and he supposed the Right Hon. Gentleman could state to the House how far the tendency of that bill went—whether it was only a simple repeal, or whether it contained any declaration for giving up the declaratory right assumed by England.

The Right Hon. Colonel *Fitzpatrick* answered, by requesting to know if the Right Hon. Gentleman had any other question or proposition to lay before the House: Had he, a few days since, been so kind as to have advanced this proposition, and to have fixed a day for explanation, he would have been able to answer any question on the subject, the Right Hon. Gentleman would have asked.—He did intend, as soon as the bill had passed in England, to have laid a copy of it before the House. The bill had only been brought in, and not gone through the English parliament.

Mr. *Flood* observed, that though the bill had not been gone through, yet he supposed the Right Hon. Gentleman knew, and he would ask him, what were the intentions of government, and what the purport of the bill?

Mr. *Fitzpatrick* said, he had no objection to answer the question, as he looked upon it to be the demand of Ireland. He believed the bill brought in at present was only a repeal, but he could not tell what alterations it might receive in parliament.

Mr. *Flood* then desired the Clerk to read the resolution that passed in the English House of Commons the same day on which the resolution passed asserting that the Declaratory-law ought to be repealed. The resolution was as follows: "That the interests of the two kingdoms are inseparable, and that their connexion ought to be founded on a solid and permanent basis."—He said, that, these resolutions were worded exactly alike, and both had a future aspect, so as to denote that something was necessary to be done in both cases; that is to say, that the repeal of the Declaratory-law was to be attended with some measures to be taken here, for adding to the constitutional connexion between the two kingdoms, whereas he thought the connexion was at present compleat: He

added, that throughout the whole debate, ideas of final adjustment and negotiation were talked of. He would therefore propose a resolution, as to the connexion of the kingdoms, (as far as the laws of Ireland are concerned) viz. "That a solid basis of permanent connexion does at present subsist between Great-Britain and Ireland, inasmuch as they must by law always have one common sovereign, and that the approbation of that sovereign, under the great seal of England, must be had to any bill before it can become law in Ireland." He said, however, that if the Secretary would say for certainty, that no such idea was held, he would withdraw the resolution.

The Right Hon. Colonel *Fitzpatrick* said, he had not at that time any such intention, but could not ascertain any thing on the subject.

Mr. *Flood* said, Nothing ever was more judicious than the conduct of Great-Britain on this occasion. She was so embarrassed abroad, and you were so strong at home, that she could not deny the repeal of the Declaratory-law. Yet it must ever be her wish to retain the principle of it, because it is the principle of power, which no nation has ever relinquished while it could maintain it. What then has she done? By seeming to yield unconditionally to you, she seized on the generous credulity of your nature, and took full advantage of a change in her own administration. Her first step was bold, in order to strike your imaginations with something that seemed to be decisive. She resolved that the Declaratory-law ought to be repealed: She did not say, however, that it ought to be repealed, as having been a false and erroneous declaration of law; far from it; not a man in the British parliament held such an idea: The very mover and seconder of the resolution said the contrary. I mention them both with honour; I mention the ministry, the parliament, and the people of Great-Britain, with all honour. I lament, but cannot blame their sentiment on this subject. They declared the constitutional right of the British parliament to make laws for every part of the empire; one of them said externally; and the other both externally and internally. One said the repeal must be accompanied by a final adjustment, and the other that the law could only be repealed on a principle of compact.

Now this is so far from a renunciation, that it is the very contrary, and a repeal without a renunciation leaves you in effect only where you were. It is a first principle of law, that a declaratory act only declares the law to be what it was before; that is to say, that it only declares, and that it does not alter the law.—What follows? That as making a Declaratory-act does not alter law, so neither can the mere unmaking of such an act alter law. Or in other words it follows, that if a Declaratory-act is not pronounced to have been an erroneous declaration of law, the bare repeal of it can do no other than leave the law in that state in

which the Declaratory-act did declare it to have been before such Declaratory-act passed. An enacting statute alters the law when it is made, and consequently when it is repealed it alters the law; that is to say, its enactment makes law, and therefore its repeal unmakes law. Inconsiderate people confound this idea of an enacting, with that of a Declaratory-act, and are imposed on to believe that the repeal of a Declaratory-act unmakes and alters the law, in like manner as the repeal of an enacting statute does; but this is utterly false. The repeal of a Declaratory-law (unless it contains a renunciation of the principle) is only a repeal of the declaration, and not of the legal principle.—The principle remains behind in full force, unless it be renounced. This is universally true, and it is strengthened in this case by this circumstance. Many acts have been made by the British Parliament binding Ireland, some of them before the Declaratory-law of George I. Now whilst one of these remains, there is an exercise and a proof of the right, stronger by much than the Declaratory-law. A simple repeal, therefore, of the Declaratory-law, is no vindication of your legislature. But it is argued, that because in your first address you declare that the British parliament has no such right, therefore the repeal joined to this, will be equal to a renunciation by England. But what man in his senses can believe that our renunciation of the British claim can be equal to her own renunciation of it? Or that in any controversy, an assertion of a party in his own favour, is equal to the admission of his antagonist? If Britain renounces it, no other power on earth can pretend to maintain it. But if all the rest of the world were to deny her pretension, yet as long as she maintains it, our rights are vindicated, and our constitution is in danger. Will any man say, that if I ask a thing on a particular principle, that therefore if I obtain it at all, it must follow that I obtain it on my own principle? There is no such inference in law, in logic, or in reason; it would only appear that the two parliaments had agreed in one point, that of the bare repeal, but it never would appear, without an express renunciation, that they agreed in the renunciation also, and we knew the fact to be, that they do not agree with us in that principle. But to put this argument to a decisive proof, let us suppose that after such a simple repeal, that at a future day the British parliament should revive the principle, and make a law for us. Suppose that Ireland should remonstrate on this—Suppose she should read that paragraph of her address, and quote the British repeal of the Declaratory-law, and should argue from both, that England had for ever renounced her claim, do you think that England would listen to such an interference, or that any reasoner in Europe would allow the force of the argument? Would she allow you to piece your address to her act of parliament? If you questioned her Declaratory-act, would she not question your Declaratory-address? would

she not appeal to the language held by her own members? Would she not appeal to words upon your journals? Would she not appeal to the silence of her law of repeal, and to your acquiescence under that silence? Would she not say that that was virtually a national relinquishment of any idea of renunciation, so that the principle remained not only unrenounced, but the equity of it impliedly admitted by Ireland, at a moment when she was the ablest to contest it?

But I shall be asked (though the repeal of the Declaratory-law should be simple and imperfect) whether I think that England will ever revive the claim? I answer, I cannot be certain that she will, neither can I be certain that she will not; and I ask in return, whether any man will be surety that she will not; and if any man is weak enough to say that he will be so, I will tell him that this nation will not be weak enough to accept of his surety (no mortal is adequate to such a business). I add, that England either has or has not a possible notion of such a revival; if she has not, she will not quarrel about renouncing it; and if she has, the renunciation is absolutely necessary. I add, that if she does not renounce the claim, she certainly may revive it; but that if she does renounce it, she certainly cannot revive it. Yes, you will say, for she might even repeal an act of renunciation; and to argue everything fairly, I will admit that in the utmost range of possibility such an outrage is not unimaginable; but what do I infer? Not that I should be the more negligent, but that I ought to be the more careful; that it is my duty to make it impossible if I can; and if I cannot do so, that it is my duty to make it next to impossible. It is absurd to say, because I cannot make a thing physically impracticable, that therefore I should leave it morally easy; but it is good sense to say, that I will make a thing as difficult as I can, though I cannot make it as difficult as I would, and that if I cannot make a thing impossible, I will make it next to impossible.

Indeed, on what principle did we enter into this business? It was not surely on the silly notion of getting the force or the good will of England to act on our side, and against herself in this question. That was impossible. What then was our pursuit? To obtain the utmost security that law could give; certain, that if at such a time of extremity, we did not obtain it, we never should be able to obtain it; we had but an alternative; either to rely on the liberty of England, and then to suffer her Declaratory-law to remain, as a thing impotent and never to be exercised; or in a matter of such stupendous consequence, we were to say, that we would not trust the generosity even of Great Britain, but that we would have solid and legal security: The latter is certainly the strongest, and the most rational dependance; but though the former be weaker, it is better than either. Now, in desiring even the repeal of the Declaratory-law, you forfeit the liberality of Eng-

land, because you do not confide in it; and if you do not carry the matter on until you obtain legal security, you in effect relinquish both. That is to say, you do the very worst thing the case is capable of, so that it would be difficult to say whether your attempt was the most glorious, or the conduct of it the most inadequate and disgraceful. But the pride of England will be hurt. I should be sorry for it; either however her pride is contrasted to our security, or it is not; if it is not, our effectuating our security will not hurt her pride, and if it is contrasted to us, we must chuse one of two things, either to hurt her pride, in order to obtain our security, or to relinquish our security in order not to hurt her pride; but if there be a pride on one side, there is a pride also on the other; if there be a pride of England, there is a pride of Ireland too. Now I ask which ought to give way, for one must, and I answer impartially, that which has the worst foundation. Now which is that? The pride of England in this case, is the pride of wrong, and the pride of usurpation. The pride of Ireland is the pride of right, the pride of justice, the pride of constitution. I will not ask you, after that, which ought to give way; but it is wrong to put this question principally upon pride.—England it is true, has a pride in the matter, but she has what she values more, a principle of power. Ireland too, has a pride in the matter, but she has what she ought to value much more, a principle of permanent security. Now that a nation will be the wisest in this transaction, that sacrifices her least object, to preserve her greatest, and England will do this precisely, if she can prevail on you to accept of a simple repeal without a renunciation; for in that case she will sacrifice a little pride to preserve all her power; whereas you will, for a petty sacrifice to your pride, forfeit all your security. But a confidence in the present administration ought to stop us. I deny it, not that I mean to deny or diminish any one of their virtues; I will allow them to have as much ability, power, popularity, and patriotism, as any of their predecessors: to fortify my argument, I will suppose them to have more of every excellence than all their predecessors together, and what do I say then? I ask, are the wisest, and greatest men of Ireland, the men that would soonest relinquish what they thought to be the rights and dignities of Ireland? Certainly not: Are then the wisest, honestest, and greatest men of England, the likeliest to relinquish what they think the rights and dignities of England? Certainly not; either then the ministry are such men as I have been describing, or they are not; if they are not such men, they do not deserve our peculiar confidence in any thing; and if they are such men, they cannot deserve our peculiar confidence in this point, unless their principle and conviction be on our side. Now we know it to be decidedly against us. Why does any country wish for a strong administration, I ask, because it makes the coun-

try strong. Now was it from the strength of England that we have gained our advantages, or from her weakness? From her weakness undoubtedly. How then do we argue? The great strength of administration gives great strength to England, but the great strength of England in this case is the weakness of Ireland; and yet the strength of administration is her security, these things are impossible.

This brings me to what fell from Mr. Fox; he said, the measure of the repeal could not stand alone, but must be accompanied by a final adjustment, and by a solid basis of permanent connection between these kingdoms; he said, that some plan of this sort would come from the servants of the crown in Ireland to the Irish parliament, that when the result of parliament was known, a treaty might be begun if necessary; if a treaty should proceed, then it would be to be ratified by the two parliaments, and finally to be completed by irrevocable acts of the respective legislatures. Now, I say, if we are to negotiate at present, we are to depart from our original principles; it is not five weeks ago that we all declared that we had made this as a peremptory demand, and that we had nothing in it to negotiate; were we now to begin to negotiate, we should negotiate after great advantages had been obtained against us; for instance, we were desired to specify our wrongs that they might be redressed, we did so, and as we specified for redress, we made our specification as narrow as possible, in order to facilitate redress; but had we specified with a view to negotiation, we must have made our specification as broad as possible, in order to have the greater advantage in negotiation. Our second address is another advantage gained against us, that is represented even here, and still more will it be held in England to be a repeated restriction on the requisitions of this country. What follows? That if we were to negotiate now, we must negotiate all on one side, bound up not to make demands, and open only to make concessions. Now a negotiation in which one may give every thing and gain nothing, may be called a negotiation by some men, but by most men it will be called folly; in this too we are to propose though this proposition is to be against ourselves, and we are to propose this through the servants of the crown, which is still more against us. Now the servants of the crown will not propose terms for England, till our parliament is properly prepared for the subject, and we know what that means. If the servants of the crown and the parliament cannot be got to go far enough for England, then a treaty is to be begun, in which England will have advantage as to matter, and command as to time. In the stage of ratification she will have more, and in that of completion and consummation still greater advantages in all of these stages; all the cabinet and parliamentary councils of England will be unanimous on one side, viz. that of England. But the cabinet and parlia-

mentary councils of Ireland will not be unanimous in favour of Ireland, but will in general have a decided majority in favour of England. What equity can there be in such a result? Here are five stages marked out by Mr. Fox, in each of which there may be a final difference of sentiment, and in each of which there may be a necessity for some, and an opportunity for greater delay, without any management; this must be dilatory, and with a little dexterity it can easily be spun out to a piece. Now I ask you, what it is that has given you every thing, is it not time? And as time has given you every thing, reflect that time may also take every thing away from you; but time is not necessary, negotiation alone is sufficient to undo you; you were not born to be negotiators; the negotiator is a dark, austere, inexorable character; you are soft, open, and persuadable; you have not the detailed knowledge, the systematical procrastination, the suspicious reserve, or the frigid perseverance of a negotiator. When have you negotiated that you have not lost? You negotiated at the restoration, you negotiated at the revolution, you negotiated at the augmentation of your army, you negotiated your free trade, you negotiated the Mutiny-bill. When have you demanded that you have not succeeded, and when have you negotiated that you have not been deceived?

There never was a time which required more consideration than the present; the national exertion began in the last year of Lord Buckingham's administration, it is now drawing to a period, and whether that shall be glorious or otherwise, depends on your wisdom: a short view of what we have done will be a guide to what we should do; we have groaned for a century under an encreasing usurpation; the American war broke out, and whilst we were called upon to shed our blood for Great Britain, we were insulted with the application of that principle to Ireland which had revolted America; our feelings were exasperated by the application, and our trade was ruined by the war; we saw ourselves beggars in fact, and slaves in assertion. The merchants flew to a non-importation agreement, &c. the people flew to arms! Amidst this perturbation parliament assembled, and we amended our address by the demand of a free constitution, that is of an exclusive legislature on which all freedom of trade must depend.—And therefore it was, that I did originally differ with some gentlemen, for I asserted that they had not obtained that freedom of trade of which they had boasted, because they had not obtained that freedom of parliamentary constitution, without which a freedom of trade could not exist. We received from England a dilatory answer. We shortened our money-grants to the crown—we shortened them to the subject. And the Irish public creditors, to their immortal honour, embarked so fully with the rights of the nation, as cheerfully to accept of a six months security. This rapid succession of

sober and consistent efforts struck like lightning on the ministry and parliament of England, all obstacles gave way, our demand was to be granted in all its plenitude, all the British statutes restrictive of our foreign commerce were to be repealed, and on that constitutional principle on which alone it would be welcome—a principle, which, in that early period of this question, I took the first opportunity to lay down in clear, unambiguous and categorical terms. What was that principle? That, having a parliament of our own, our foreign trade was necessarily free, and subject to no restriction as to our ports, but such as our parliament might impose. This principle, we were told, was admitted by England, as to our foreign trade, and pleaded by her in return, as to her own ports, and those of her own colonies.—She admitted the principle which we claimed, and she said she would open to us her colony ports, on equal regulation of trade. The tidings of this emancipation, as it was idly called, landed in Ireland. The post-office was illuminated by an emissary of the castle; the college took fire in the next instance by an unhappy contagion, and the city caught the flame in a regular and sympathetic succession. All sober consideration was lost in an ignorant clamour, and the steady pulse of the public yielded to a fever of exultation. What was the consequence? England saw that we were surprised at our success—saw that we had asked more than we expected, concluded we would accept of infinitely less, and determined that should be as little as she could. First, then, she determined, not to repeal all her laws restrictive of our foreign commerce, yet, whilst an atom of such restriction remains, the total impeachment of your constitution remains; when therefore, an artful resolution was prepared for this House, on that occasion, expressive of satisfaction in that enlargement of our *foreign* trade, I exclaimed against *that word*. If you thank the British parliament, I said, for the enlargement of your foreign trade, you admit she can restrain it; if you admit she can restrain it, you admit her legislative authority; that is, you gain little in commerce, and you lose every thing in constitution. I objected to the word *foreign*, therefore, it belies Ireland, and it deceives Great Britain. The independent gentlemen of the day, however, did not feel, did not take up the principles, yet, though they did not take it up that day, they have felt it since; and though the word was universally admitted then, there is not a man in the nation that would not reject it now. Such was the first of this business. Let us see how much more worse we made it in the progress of negotiation. The language of England was the language of common sense. Ireland must have equal regulations of trade, she said, but equal taxes on home consumption she did not say; equal regulations of trade may subsist between a poor country and a rich one, but equal taxes on consumption cannot. Now what has your negotiation made of it?

You have made your arrangement a tax-law in part, which ought to have been a trade-law in the whole; that is to say, instead of a regulation in trade, you made it a regulation against trade, and a caustic regulation too. What regulation, indeed, can be much more adversary to trade, than a heavy tax on a raw material imported for the purpose of trade, and for the end of manufacture. So pernicious are such taxes, that the ministers in England, whose profusion has brought them to that country, have endeavoured to extenuate their malignity by two regulations; to console the manufacturer, they tell him that they will open to him the foreign market, by giving him a drawback on his manufactures exported, equal to the tax on the imported material. And they tell him besides, that they will shut up from him the home-market, and give him a monopoly of it. How?—By laying a prohibitory duty on the manufacture imported from abroad; and what have they done as to manufactured sugars? They have laid a prohibitory duty upon them when imported into England from any other part of the world, Ireland even not excepted. What have we done? We have laid the same prohibitory duty on manufactured sugars imported into Ireland from any other part of the world; but we have excepted England, whereas she did not except Ireland. Now, there was much more reason for our excepting England, than there was for her excepting Ireland; and why; Because Ireland could never, by any possibility, be a rival in sugars to England in the English market, but England is actually a very formidable rival to Ireland in the Irish market. What is the fact? The Irish manufacturer of sugars has but one rival in the world, and that is the English manufacturer of them? And what have we done? We have given him the fullest security against all those that are not his rivals? And we have not given it to him against the only manufacturers that are his rivals; we have given him perfect protection where he is in no danger, and we have not given it to him where he is in all danger. We have done worse by him, we have not only given him as much security against his only rivals, as against those who are not at all his rivals; but we have not left him as much security against his only rivals as he always had before; that is to say, the duty on the imported manufacture now bears a less proportion than ever it did before to the duty on the imported raw materials. By consequence his peril is greater, as his protection is less; and his security being diminished, his danger is enhanced. But that is not all; you have not done for him what England originally pointed out to you in his favour: She proposed equality as the principle of your regulation of trade; we adopted it religiously in that part to which it was not applicable, and, where it was precious, I mean in the tax part; and we only deserted it in the trade part, where alone it was applicable, and where alone it was beneficial. Such was the spirit in which

we negotiated our free trade; let us take care how we negotiate our free constitution, but the error of that arrangement does not stop here. Its first principle was erroneous; it set out with this maxim—That you were to pay for this as if it were an enlargement, and that you were to pay for it in tax, as if you had not paid it otherwise before. But what is the truth? The sugars of Spain, Portugal and France, would supply your manufactures, as well as the British West Indian islands, and generally better; it, whilst you retained those markets, England had opened her colony ports too, this would have been a new market, which is always an advantage to the buyer. But what is the case now? You are suffered to go to the colony market of England, which is the English market in effect, and which is therefore her advantage; but, you give up this for all other, and some better markets, which is your advantage. Instead of its being an enlargement, therefore, this is more properly a restriction; and instead of England's granting you a boon in this matter, it is you that gave her a monopoly. Now, a monopoly is so much against the giver, and so much in favour of the obtainer of it, that no nation in its senses ever gives it to another.—And if a part of an empire gives it to the head, it cannot be on a principle of trade, because a principle of trade is a principle of gain, whereas this is a principle of loss. On what principle alone can it be given on a principle of empire? That is to say, in other words, it is a tax or a tribute, and that of the heaviest nature; but, if you were to pay for it in taxes, besides paying for it by monopoly, it would be absurd to pay for it more than it was worth. Now take the whole West Indian commerce, take the utmost proportion of that commerce that could ever fall to your lot, take the utmost proportion of clear profit that can be supposed to accrue from that quantity of trade, and then take the utmost proportion of what clear profit that can be afforded to revenue, and I say it would never amount to that sum which you have agreed to pay on the instant for the contingency of this direct trade, with this additional absurdity, that if you should not be able to establish it, these additional duties will be equally payable upon your old circuitous trade, which before was free from them. Will you trust negotiation again? This arrangement cannot be justified on any commercial principles. Was any constitutional advantage obtained by it? Far from it; the very principle of the arrangement is hostile to the constitution; it gives to the British parliament a virtual power of taxing you; for what is the principle of it? That when England taxes a colony produce, you must tax it equally or give up the trade. Thus this arrangement leaves both your trade and your money at the mercy of the ministry and parliament of England. Combine this with another law of the same period, the Mutiny-bill therefore, and see what the result of both is. You complained that the British parliament

should make even a twelve months law for your army ; and what did you do to remedy it ? You made an act, that she should do it for ever. The two greatest powers in the management of human concerns, are the power of the purse, and the power of the sword. You did by these two laws, for so much delegate away both of these great powers from yourselves to the British parliament ; that is to say, in the very moment that you talked of recovering your own authority, and denying that of the British legislature, you did every thing you could to strengthen the power of that parliament which you meant to overthrow, and to weaken the power of that parliament which you meant to establish. I do not speak these things in order to say what is disagreeable to any man living, much less to say any thing disagreeable to that body, in defence of whose privileges I have lived these two and twenty years, and in the defence of whose privileges I will die. I speak them from a deep conviction of their necessity. You see how you have been negotiated out of every thing, and how dangerous it is to negotiate again. You see how dangerous it is to exult too soon, or to imagine that any thing of this kind is done, while any thing remains undone. You see what a miserable end was made of Lord *Buckingham's* last session of parliament, though it began with so much splendor ; and as a part of this session has trod the steps of its glory, I would warn the conclusion of it against the steps of its decline. To put a stop, therefore, to the danger of negotiation, and to accelerate the safety of an immediate repeal, and of a final renunciation, I move the resolution I have before stated to you.

Mr. *Ogle* desired to know if the Hon. Gentleman had any other proposition to lay before the House ; and understanding he had not, he declared himself against the motion. He thought the repealing the act a sufficient relinquishment of any right : our own addresses had asserted our rights ; the answer to them had been full and satisfactory ; and as they were on the point of obtaining all we asked, he was not for risking solid advantages unnecessarily.

The order of the day being called,

Mr. *Walsh* said, the motion made by his Honourable Friend, was of the greatest importance. It was for the purpose of our having a free and unconditional constitution : as no man, no lawyer could say that the constitution was bettered by a mere repeal of the Declaratory-law of the 6th of George I. He called on his Majesty's Attorney General (meaning Mr. *Yelverton*) to meet him on that ground and his opinion.

Mr. *Yelverton* answered, he only came to the House as usual, not as Attorney General.

Mr. *Walsh* then called on him as a lawyer to declare his opinion ; he gave no answer, and Mr. *Walsh* asserted that the simple

repeal would not repeal the assumed power of England. It was, he said, at present a maxim in Great-Britain, that though they cannot make internal laws to bind Ireland, they can make external laws, and that they had a right to external legislation; and therefore until they had an unequivocal and express declaration, they could not have a similar constitution in every point, except where the absence of the sovereign made it necessary.

Mr. *Daly* said, he thought the argument and the resolution not consistent: The Hon. Gentleman says, that what is to be done is not sufficient, though all we asked is to be given; so that, at that rate, we are to have cause for perpetual dissension; he would, therefore, move for the order of the day.

Sir *Hercules Langrishe* thought the motion contradictory to the address and resolutions of the other day. The question was consequently unnecessary and premature.

The Hon. *James Brown* supported the motion.

Mr. *Musgrave* read Mr. Secretary *Fox*'s speech from a newspaper, which he thought contained a full and explicit declaration and acknowledgement of the rights of Ireland.

The question was then put on the order of the day, and carried in the affirmative without a division.

Mr. *Grattan* observed, that a bill was brought, he understood, into the British parliament, for the repeal of the 6th of George I. and though he thought the repeal was a renunciation, yet it might be found necessary to require the great seal of Great Britain to be put to a declaration of such renunciation. It was not a disrespectful mode, but a respectful one, to shew their confidence in Great Britain; and as soon as the bill passed in England, it may be necessary to put the great seal of England to such a declaration of rights, and if so, he would make a motion for that purpose.

The Right Hon. Secretary *Fitzpatrick* said, he conceived the bill to repeal the 6th of George I. to be a renunciation, an unequivocal and unqualified repeal; and if such a measure was adopted now, he thought it might be dangerous to the last degree, as it might endanger the loss of what was expected.

Mr. *Grattan* said, by what fell from the Right Hon. Gentleman, it struck him more forcibly that the measure was necessary; particularly as he seemed to think it dangerous to ask an explicit declaration of our rights.

The Right Hon. Secretary *Fitzpatrick* explained, that he only said it was dangerous at present to shew a distrust in the English nation.

Mr. *Grattan* replied, that if England entertained a doubt of acknowledging our right, then it was necessary for Ireland to declare

her rights. If any doubt should arise in whatever shape, by the penning of an act of parliament, it may be necessary to declare her rights in the most unequivocal terms, either by bill or declaration, and he would give his reasons when he came to make the motion.

Mr. *Yelverton* said, he did not know that he ever suffered more in his life, than then, by what had fallen from his Hon. Friend; for if it went out that the present mode was not sufficient, it would open a new field for discussion. He thought the repeal was sufficient, and it would be impossible to have any authentic account of the mode or tenor of the bill to repeal, before the recess. He thought such a bill not only unnecessary now, but any time to introduce it, as the repeal was a sufficient renunciation, and an absolute dereliction of the right. Did not the repeal as fully answer every purpose as any words the Hon. Gentleman could put together? Had they not already declared their rights in their addresses, and in an act of parliament? What then can be more satisfactory? But if he could be convinced of the necessity, he would join his Hon. Friend, whatever hazard such a measure might run.

Mr. *Grattan* declared that if he found it necessary, he would make a motion for the purpose, according to the original principle.

WEDNESDAY, JUNE 12.

The order of the day being called and read, the House, pursuant thereto, resolved itself into a committee on the heads of the bill for empowering archbishops, bishops, and other ecclesiastical persons to make leases for thirty-one years or three lives.

Went through the same with several amendments.

Mr. *Flood* said, there was a bill that would be finished by the Clerk, he understood, in a few minutes, to be presented to the House, and when ready, he should desire the order for bringing in the bill to be read.

In a short time after the bill being ready, he moved that the order for bringing in the bill be read.

The Clerk then read the order for leave to bring in heads of a bill for regulating his Majesty's marine forces when on shore, and that Mr. *Flood* and Sir *Lucius O'Brien* do prepare and bring in the same.

Mr. *Flood* then moved to be discharged from the committee on said order.—Ordered accordingly.

Sir *Lucius O'Brien* then presented the last mentioned heads of a bill, which were received, read, and committed for to-morrow.

THURSDAY, JUNE 13.

The Right Hon. Mr. *Fitzpatrick* read the king's answer to the address of the House; wherein his Majesty testifies his satisfaction at the unanimity prevailing in his parliament of Ireland, in respect to what has been done to remove their discontents and jealousies, and that in consequence, no further constitutional questions can arise between either nation.

Mr. *Daly* moved an address of thanks to his Majesty for said answer, and that a committee be appointed to draw up the same.

The order of the day was read for going into heads of the bill for regulating his Majesty's marine forces when on shore.

Went through the same, and ordered to be received to-morrow.

Mr. *Flood* said, he would, at present, put off his objections to said heads of a bill, in consequence of his indisposition.

FRIDAY, JUNE 14.

Mr. *Grattan* said, he had occasion to trouble the House with a subject of some consequence. An act had passed in England about ten days since, to allow the importation of sugars, &c. from St. Christopher's, Nevis, and Montserrat, into any of the ports of his Majesty's dominions. He then read an extract from the act; and remarked as it mentioned all his Majesty's dominions, Ireland most certainly was comprehended, though it might be supposed she could not be affected, because not named, nor did he believe it was the intention of the British legislature that Ireland should be included. On his own part, he believed England sincere in her proceedings towards this country, but he thought it his duty to lay this circumstance before the House, though he was against every thing that could cause a diversity of opinion. He needed not, he said, to remind them, that by the repeal of the 6th of George I. the claim of legislation was done away, and he depended more upon the faith of England, than upon the mere repeal of that act, because she was henceforward pledged to this country by the firm compact of the faith of nations. He again repeated, that he was certain it was not the intention of England to include Ireland in the present act, by the general terms of dominions, but it was necessary to state the matter to parliament, in order to have its sentiments, and that the sister kingdom should in future be a little more guarded in the wording of acts of the like kind, though in the present instance

it might be a matter of inadvertency. He neither then did, nor would ever speak as the friend of administration, farther than he thought they deserved; but he had a reliance on the men now in power, which nothing but the conviction of facts should ever stagger in his mind. He spoke as the servant of the people, to whose esteem he was so much indebted, and whose confidence it would be his pride to maintain.

The Right Hon. Colonel *Fitzpatrick* said, that the situation of his health would admit him to speak but little, but he was happy to hear the Hon. Gentleman explain the subject of a former conversation, in which he agreed perfectly. He believed the wording of the act had risen from the impossibility of excepting Ireland, which would have given offence. There were but two ways, and both were liable to objection. The first, in general words, might have mentioned all his Majesty's dominions, Ireland excepted, but that would have an invidious aspect: the other, to have enumerated every other place belonging to the crown, and omitted Ireland; but, as in the course of the present war many reasons existed, to suppose an accession of territory, and the recovery of that already lost in the West Indies, the trouble of a new act must be had recourse to include such acquisitions. But the opinion ministers entertained on either side the water might be easily known, from this circumstance, that at the very time the bill in question was passed in England, the ministry of this kingdom, no doubt with the concurrence of that of England, introduced a similar bill in to that House, which was a plain acknowledgment that they thought the British act of no force in regard to Ireland, and that the absurd claim and the unconstitutional exercise of usurped power was now banished for ever.

Mr. *Flood*.—I do not mean to oppose the most liberal interpretation that can be given to the British act of parliament in question. The Right Honourable Gentleman defends it by saying, that if Ireland had been by name excepted, even that exception of Ireland might have been considered as implying, that if she had not been excepted, she would have been bound; and certainly it would have been exceptionable for that very reason; and for the same reason, the law as now worded is exceptionable: It includes all his Majesty's dominions in Europe, and as Ireland is one of them, it does impliedly include Ireland; both of these methods, therefore, are equally exceptionable. But there was a method of avoiding both of these objections; and if I, a weak and incapable man, can at first sight point out an easy method of doing so, how much more easy would it have been for his Majesty's ministers to have done so? It might have been worded so as to have included all his Majesty's dominions in Europe, that were subject to the legislative authority of the British parliament: It would

then have been an implied assertion of our constitution, instead of being now an implied infringement of it. Had the British parliament renounced the right, she could have no objection to some such form of words; but she well knew that a repeal of the Declaratory-law is no renunciation of the right: In this, and in every instance, she shews an utter reluctance to such a renunciation: Now every symptom of such a reluctance on her part, is equal to a thousand demonstrations that such a renunciation is necessary for us. I do not understand the doctrine of clerical mistakes; how far is it to lead us? Where is its boundary? Is it only to hold for the present time, and during the present ministry? Or is it to extend to all times and to all ministries? If it is to do the latter, the doctrine is too dangerous to be admitted; and if the former only, it is too partial. No minister of England, no Attorney General of Ireland, could desire a more convenient principle, than that the doctrine of the clerical error was to excuse an act of the British parliament binding Ireland; but such a doctrine would soon leave our constitution where it was, and would efface the glories we have been acquiring.

This brings me to speak of the repeal of the Declaratory-act of George I. as it is now proceeding. In the first place it is an undeniable principle of law, that the mere repeal of a Declaratory-act does not renounce the principle of it; and it is clear to common sense, that nothing but a final renouncing of the principle of this law, is adequate to our security. With regard to this law of George I. the maxim I have mentioned obtains with peculiar force: What is the title of the law? It is an act for the better securing the dependency of Ireland; on the face of it, therefore, it imports expressly, that dependency did before exist, and that by consequence it must continue after, unless renounced: It had, indeed, too strong an antecedent existence, to be destroyed by any weak implications. The first authority of law known to the English constitution, is that of the great Lord *Coke*; his authority is expressly against us, and in favour of the English parliament. Will any lawyer say, that the clear and decided opinion of Lord *Coke*, in a matter of law, is to be contemned? Add to this a number of statutes made by the English parliament, and acquiesced in by the Irish nation, antecedent to the Declaratory-law of George I. and will any man be so rash, so foolish, or so corrupt, as to say that such a pretension is to be overlooked? Or that it can rationally be stated to be so void of principle and colour, as that a bare repeal of a subsequent and mere Declaratory-act, can annihilate it? Let no man conceive such a thing.

Mr. *Grattan*.—If the security that the Hon. Gentleman desires, be a British statute, I reject it. I would reject Magna Charta under a British statute. We have not come to England for a char-

ter, but *with* a charter and we have asked her to cancel all her declarations made in opposition to it. This is the true idea of the situation of Ireland; no man will be content with less than a free constitution, and, I trust, no man will be frantic enough to hazard *that* in attempting to gain more. I should have been pleased if the renunciation of the claim had been made, but as it is, I think the repeal of the 6th of George I. to every *ingenue*, *rational* and *honest* man, must shew that England is sincere, and by giving up the final jurisdiction, she has scarcely left a possibility of renewing her claim.—There are certain rights inherent in parliaments which they cannot relinquish or give up: Now, though the present parliament of Britain has renounced all claims to bind Ireland, yet a man who has a mind to argue with impossibilities may say—we are not secure, because a future English parliament may think themselves entitled to exercise a power which their predecessors could not relinquish.—Thus we may go on with a spirit of insatiety, supposing ideal dangers, and finding food for perpetual discontent. As to administration, I have as little personal connexion with them as the Honourable Gentleman. My stake in this country is too great, the honour it has done me too valuable to be trifled with: I cannot have a wish, I cannot have a feeling but for the emancipation of Ireland.

Mr. Flood.—The Hon. Gentleman says, that giving up the final judicature is a decisive proof of sincerity in the British parliament, because, it cannot be supposed, that our final judicature would carry British laws into execution; but how far does this reasoning go? It shews, indeed, that they think the spirit of this country is so unanimous on this subject at present, as that nobody will appeal to their judicature? or that if any person should appeal, that the decree would be resisted and baffled in the execution of it. They therefore very wisely determine to give up what it is impossible to retain; but though this may extend (as long as the present spirit continues) to *internal* final judicature, and to *internal* legislation, yet it does not at all extend to external legislation, or to the final judicature proper to that species of legislation. Now, what is external legislation? It is that species of legislation which Mr. Fox expressly specifies and asserts, and which not one British member controverted; that is, in other words, it is the whole of commercial and marine legislation. Now what is the final judicature in that? It is the British fleet. Witness what happened in this kingdom the other day. The spirit of the country was such, that the Commissioners dared not refuse a clearance to a vessel, though freighted with goods prohibited by British acts of parliament; but though the vessel had her clearance, she could not sail; and why? Because the Stag

frigate was in the bay, ready to seize and to confiscate. The Honourable Gentleman knows the story to be true, and has quoted the fact himself within these walls. Now, this maritime or external legislation, and this final judicature of the *Stag* frigate, is a thing which nothing can reach but a formal renunciation of the right on the part of Great-Britain. Is this a situation in which an able general would leave an army; or in which a wise patriot would leave his country? Certainly not. The Honourable Member has said, the royal word is as firm as a parliamentary renunciation. Does not the Honourable Gentleman know that the words of the king are the words of the minister, in all constitutional and parliamentary consideration.—How often, in his short experience, has he known that security fail? Did it give us a Judge's bill in Lord *Townshend's* time? Did it keep 12,000 men in the kingdom ever since? Has it secured oeconomy to us, so often promised, and not yet arrived? I will not multiply instances. Now these are cases where the most express words were used in the speech from the throne, which is the speech of the minister, and not of the king. In this case, is there any express mention of renunciation? No such thing. Now, if express words have failed, why may not words fail that are not express? Again I ask, will any man pretend to affirm, that the declaration of the king can be equal in force to an act of legislature? No man in his senses can believe it to be so. In the American question what was the doctrine? That if the king wished it ever so much, yet it was not in his power to give up the power of the British parliament. Did the king ever attempt to make the smallest relaxation, without an act of legislature to authorize it? I ask the Hon. Member, whether the king, by a declaration to the British parliament, could give up any of the rights or pretensions of the Irish legislature? I am sure he will answer, No. Then, by what rule, I ask, can any declaration of the king to us, give up or cancel any pretension of the British parliament? What authority on earth can be so perfectly adequate to it, as that of the parliament of Great Britain itself? But the Honourable Member would not accept a great charter, he says, from the British parliament, so jealous he is of its authority; nor would I, provided it contained an assertion of its legislature over us, because that would be nominally a great charter, but really a defeazance and a concealment of our constitution. Now this is impliedly the case in an act merely and simply of repeal; but if it contained a renunciation of all such authority, I would accept of it, because then it would indeed be a great charter; for what was the great charter of our early kings to their subjects? Was it not in fact a renunciation of the usurpations of those kings, and nothing more? It was not a donation, but a mere recognition of the rights of the subject; which recognition became necessary only

in consequence of regal usurpations. Now I ask, did those kings, or any other part of mankind, ever think that renouncing those usurpations, they re-establish them? No man was ever so frantic as to suppose it. How then could a parallel renunciation by the British parliament have any tendency to legalize its usurpation? I will venture to say that a renunciation of all right is the last method that the British parliament will think of taking by way of establishing her authority over Ireland. And why? Because it is the most effectual method on earth of defeating it: The sound of an English act of parliament ought not to frighten us out of the sense of it, if the sound of it could be destructive to us: An act of repeal would be as noxious as an act of renunciation; and if the sense of it can be salutary, it is by its being an act of renunciation; any other act may be an exercise of legislation over us, but an act of renunciation cannot be so.

The Hon. Member said, that I had thought on a particular subject 'till it had become my weakness; may not the remark become applicable to himself? For surely if his zeal on this subject had not outgone even his judgment, great as that is, he would not use arguments on this occasion, which on any other he would reprobate from the lips of any servant of the crown; he would not call a British act of parliament *including* Ireland, a clerical error; he would not say that a speech from the throne is equal to an act of parliament; that a British act of repeal is a safe exertion of her power towards us, but that an act of renunciation would not be so; he would not say that a renunciation would be a better security, and yet that a repeal is sufficient, in a case where no security can be too great, and in which scarce any is adequate; he would not say that good faith is equal to legal security; or that legal security with the addition of good faith is not better than the latter is alone.

It is not pleasant to me to differ with the Honourable Member, but in this case it is unavoidable; it is one of those cases in which I feel myself impelled by so strong a duty, that nothing personal either to myself or to others can controul me; and I feel it the more my duty to speak out on this occasion, because I have never ceased to repent my having not done so in Lord *Buckingham's* administration, with respect to the word *foreign*, which was then inserted in our resolutions; I will not say with evil design, but certainly with evil example. I differed with the Honourable Member, and others whom I much respected, with regard to that expression. I disapproved of it in the strongest terms in private conference; they did not perhaps approve, but they did not disapprove of it, and therefore it passed without notice. Since, however, it has been felt, and the objection which the

Honourable Member has this day made to the British act, which he has quoted, is, that it seems to assume a power over our *foreign* trade. Now this is the very principle on which I objected then to the word *foreign*, though I was not at that time supported in it; with this omen, therefore, that I may sometimes differ with the Honourable Member, and not be always in an error, I go on. The Honourable Member says, that we have the faith of nations to depend on. Now as to the faith of nations, I have this to say, that like every thing else, where it is the best thing that can be had, it is good for that reason; but where it is not the best thing that can be had, it is for the same reason not good: What follows? That it is good between unconnected nations, because there is nothing stronger between them (except force) but it is not good between countries connected by civil government, because there is something stronger there, and that is legal security: but what does the faith of nations between unconnected kingdoms amount to, I ask? To what! But a perpetual warfare, and an everlasting appeal to Heaven, as it is called, by a peculiar and a very barbarous prophanation. In short, what is a state of dependence on good faith, other than a state of nature, which though not a state of war, is yet so liable to it, that it is to avoid its disorders, that we have yielded to the incumbrances of government. Each of these conditions has some disadvantages: but it would be utterly absurd to retain the disadvantages of both. If we will submit to the insecurity of mere good faith, let us be freed from the burden of government; but if we are to have the burden of government, let us take care to have also its security. Look at England, has she trusted to the good faith of Ireland, that Ireland will never desire any other sovereign, than the monarch that sits upon the British throne? No, she has got a perpetual Irish law to put it out of doubt. Has England trusted to the good faith of Ireland, that our parliament should never pass a law disagreeable or disadvantageous to English government? No, she has got a perpetual Irish law to make it impossible. Does any man think she acted unwisely or illiberally in doing so? No man can think so. How then can it be unwise or illiberal in us to desire a legal security in this point, upon which all other legal security depends? The good faith of Ireland is equal to that of any country in the world; and if her good faith was not a sufficient security to England, with the British superiority of power to support it, how can good faith be a sufficient security to us in our inferiority? When the Stamp-act was repealed, and the Declaratory-act passed as to America, America was told that it was a sacrifice to British pride, and that it never would be exercised. But how long was it before it was exercised? Is there a man in England that would ask America now to be content with the bare repeal of that Declaratory-law? Then why should he ask it of Ireland? Ireland

had a parliamentary constitution, the same as that of England, with an hereditary and ennobled branch of legislature, invested with final judicature, above three hundred years before any Colony in America had a name: those Colonies have had popular assemblies, it is true, but not parliaments consisting of King, Lords, and Commons, with all the powers belonging to them. The final judicature of America was never to any of the orders of her provincial assemblies, nor to the House of Lords of Great Britain, but to the British Privy Council. Ireland is at this day, as to the legislative claim of the British parliament, sunk to a level with the colonies of America; but though she is inargumentatively depressed to that level, where the parallel is injurious to her, she is not lifted up to that level, where the parallel would be advantageous. For instance, England says, that constitutionally she has a right to make laws for Ireland, as well as for the American provinces; but when the Declaratory-law is to be given up as to both, a simple repeal is enough for Ireland, whilst an express and a final renunciation is offered to America. This difference can have no foundation in equity or in reason, it can therefore only be grounded on a difference of situation; that is to say, that England is obliged to relinquish more to America than she is compelled to surrender to Ireland, and that neither England nor any other nation ever relinquished any authority they could retain: now I do not blame England for this, because it is the nature of men, but I blame Ireland, if she does not see it, and if she does not know therefore that nothing is relinquished, that is not renounced. I have as great an opinion of the good faith of England as any man, and therefore I wish to have it solemnly pledged. Now a bare repeal, I say, does not pledge her good faith never to exercise the power, because it is not a renunciation of it; it is therefore that I desire a renunciation. And why? Because a renunciation will in the first place give all the legal security that the cause is capable of; and because in the next place, it will pledge the good faith of Great Britain expressly, and when it is expressly pledged, I shall be ready to confide in it. A positive promise, is in every case in the world more to be depended on than a constructive one, and the greater the honour of the nation that makes it, the more it is to be confided in, and the more it is to be sought; but a simple repeal is not even a constructive promise. Why is it that in all treaties between unconnected nations the utmost care is taken to use the most explicit terms? It is not because the most explicit terms may not be violated, but it is because the violation of them is highly dishonourable and highly dangerous to the state that is guilty of it. If after the conduct that Ireland has ever held to Great Britain, England should formally renounce her legislative pretension now, and afterwards should attempt to resume it, her own act of parliament would be her condemnation all over Europe; every cabinet

on the continent would exclaim against her baseness, and would think themselves authorized to assist the oppressed subjects, whom her own act would not prove to be rebels. Every man on every side, and of every description, equally confesses that a renunciation is necessary. The Hon. Gentleman himself, and every other man who is content with a simple repeal, profess that they are so, only because they consider a repeal as being a renunciation; now this is unanswerable, a renunciation is certainly a renunciation; no body can deny that; but a simple repeal may not be so; one therefore is certain, and the other at best is uncertain. Which shall I prefer in a case of this consequence? But this is not all, a repeal of a Declaratory-law not only may be a renunciation of its principle, but I maintain that it certainly is not so; in this I am so clear, I stake my character with you for common sense upon the subject. In this I am so clear, that my motion shall be an appeal to the nine Judges of Ireland, and if you please, to the twelve Judges of England also upon the point. I have appealed to all the great lawyers in the house, and every one of them has confessed, that a repeal of a Declaratory-law, is not a renunciation of the legal principle. Two only have attempted this evasion; they say that in this case, there was no colour nor principle of law at the bottom of the act, and that therefore when the act is removed nothing can remain; now this is very well on one side of the water, but it is totally false on the other; here we say there was no colour nor principle of law at the bottom of that act, but in England they assert the very contrary. In England therefore they will have a right to say, that after the repeal, the principle will remain: what we may say here will not avail to our security, unless England can be got to concur with us. If England indeed will renounce the principle as we do, the repeal may be sufficient; that is to say, a repeal with a renunciation by England will be sufficient; but a repeal without such a renunciation will not be sufficient: it is but three days ago, that the Honourable Gentleman thought a repeal inadequate, and therefore declared an intention to bring in a Declaratory Irish Law, in order to have the great seals of both kingdoms affixed to the recognition of our constitution. What has happened since to render such an intention less necessary? Nothing has been mentioned to diminish the necessity; but some men are found to argue, that our address has bound us to a simple repeal. Now, first I say, that if such an error had been committed in the address, it would be hard that the constitution of a great nation should be irrevocably tied to the dictation of an individual; but I utterly deny the fact; I desire the words of the address to be pointed out that mention a simple repeal of that act as adequate to our views; and as no such words can be pointed out, I will mention words in it that prove the contrary. The grievances as to this point stated by the address as necessary to be redressed

is, not that act alone, but that act and the claims of it: now the repeal may take away the act, but nothing except a renunciation can take away the claims. The claim is the claim of right, or the legal principle either real or assumed. The simple repeal takes away the declaration only, but leaves behind the claim or legal pretension. I say, therefore, that the address is full to the purpose, and that we must misconstrue that address before we can forfeit our constitution; clear, however, as these things are, I will not affirm that a majority will instantly accede to them, but this I know, that majorities can sometimes err, and that majorities can sometimes change their opinion. What was the first feature of this session of parliament? A triumphant majority in support of Lord *Carlisle*, against any redress of our injuries in Portugal.—What followed? The Honourable Member proposed an alteration of the perpetual Mutiny-bill. A rank majority opposed him.—I attempted it in another form; a rank majority opposed any reformation of it; it was faction in one, it was disappointed ambition in another; in both it was any thing but truth and the constitution. What was the cry of the parasites of the Castle? The Sugar-bill and the Mutiny-law were such acquisitions to this country, they said, that Ireland had nothing to redress, and that nothing but industry in her people, and gratitude in her parliament, could now become her. Was not this gabble held, and was it not even popular for a time? I brought forward, notwithstanding, a vindication of your privileges against the manifold perversions of the law of Poynings: And what did I ask for you? Not implicitly to adopt the sentiments and words of any individual, but to appoint a committee of yourselves to examine the authorities I had produced in your behalf, that if I had erred in fact, or in inference, you might not be misled; and that if I had, you might benefit by the proofs, and perpetuate the decaying evidences of your constitution. Yet even such a committee was denied, not to one, but to the parliament and to the nation. The Hon. Member then brought forward in the form of an address, an assertion of your exclusive legislature; a huge majority opposed the reception of it. I brought it on again by a resolution then simple, that you yourselves were the only representatives of the people; a huge majority refused to affirm it; these reiterated defeats struck like thunder upon the hearts of the people, and in these decided and stupendous majorities, they thought they saw the death of the constitution. A voice from America shouted to Liberty, the echo of it caught your people as it passed along the Atlantic, and they renewed the voice till it reverberated here. What followed? All the propositions that had been separately reprobated were now collectively adopted; the representatives of the people articulated at length the sense of their constituents. The case of Ireland originally stated by the great *Molyneaux*, and burned at the revolution by the parliament

of England, is not now afraid of the fire; it has risen from that phoenix urn, and with the flames of its cradle it illuminates our isle! What is the result? It is now in your power, and I trust it will be in your wisdom to do final justice to the rights and interests of your country; for me, I hope I have not been peculiarly wanting to them. At an early period of my life, on a question of embargo, in consequence of a proclamation founded on a British act of parliament, I brought the criminal gazette within these walls, and at your bar I arraigned the delinquent. The House was alarmed, and I withdrew my question, on the proclamation's being withdrawn. If you ask why I did not pursue it to a formal declaration of right? I answer, for I wish to be answerable to you for every part of my life; I answer that the time was not ripe for it. The first spring of the constitution is the elective power of the people, 'till that was reinforced by limiting the duration of parliaments, little could be done. The people wanted constitutional privilege; 'till the fabric of usurpation, founded on the law of Poynings, had been shaken to its foundation, little could be done; the parliament wanted conscious dignity 'till the people were armed; every thing could not be done; the nation wanted military power. These were necessary antecedents. The public mind wanted much cultivation. The seed, too, was necessary to be sown, and if I have not been wanting to the preparations of the soil, may I not be permitted to watch over the harvest? To that harvest, too, as well as to every other, a prosperous season was necessary, and that season presented itself in the American war.—When, therefore, the Hon. Member, in the sunshine of that season, and of his own abilities, brought forward a Declaration of Rights in Lord *Buckingham's* government, after that administration had amended his proposition for the purpose of defeating it, I stepped forward, in office as I was, and at the hazard of that office, and rescued the principle from the disgrace of a postponement, or from the ruin of rejection. In this session, too, I hope that my humble efforts have not been peculiarly wanting. In ability I will yield to many, in zeal to none; and, if I have not served the public cause more than many men, this at least I may say, I have sacrificed as much to it. Do you repent of that sacrifice, if I am asked? I answer no. Who could repent of a sacrifice to truth and honour, to a country that he loves, and to a country that is grateful? Do you repent of it? No. But I should not rejoice in it, if it were only to be attended with a private deprivation, and not to be accompanied by all its gains to my country. I have a peculiar right, therefore, to be solicitous and ardent about the issue of it, and no man shall stop me in my progress.

Were the voice with which I utter this, the last effort of an expiring nature; were the accent which conveys it to you, the breath that was to waft me to that grave to which we all tend, and

to which my footsteps rapidly accelerate, I would go on; I would make my exit by a loud demand of your rights; and I call upon that God of Truth and Liberty who has often favoured you, and who has of late looked down upon you with such a peculiar grace and glory of protection, to continue to you his inspirings—to crown you with the spirit of his completion, and to assist you against the errors of those that are honest, as well as against the machinations of all that are not so.

I will now move you, That the opinion of all the judges be desired on the following question: “Does the repeal of the Declaratory-act amount, in legal construction, to a repeal or renunciation of the legal principle on which the Declaratory-act grounded itself?”

Mr. *O'Hara* said, he did not think the British statute first mentioned, could be said to relate to Ireland, in using the words *all his Majesty's dominions in Europe*; for that when the English House of Commons speak of his Majesty, they speak of the King of Great Britain; when we use the words, his Majesty, we speak of the King of Ireland. Each legislature using those words, means its own King. In common parliamentary language, these words can give us no umbrage.

A Right Hon. Gentleman would have had a preamble containing a declaration of our rights, prefixed to the repeal of the 6th of George I. But did we ever wish for more than that his Hon. Friend's bill (Mr. *Yelverton's*) might pass, and that the 6th of George I. might be repealed? This had been done, and was there now an English act that could give us offence? No; if a preamble was necessary, he would find it in the resolutions of that House, and the history of these times; a preamble that never could be repealed by Great Britain.—He said, he could not agree that the House should consult the judges upon the point in question. The House had acted with spirit and wisdom, and could not appeal to an inferior judicature: Those very judges whom the Right Hon. Member thought it necessary to bring in a bill to render independent of the crown. There was an appeal from all the judges assembled in the Exchequer to the House of Lords; and he did not see why the House of Commons should lay a case before them.

Mr. *Yelverton* said, he rose to declare an opinion which he suck-
ed in with his milk, which grew with his growth, and strengthen-
ed with his strength, and which should be the last opinion which
would go down with him to the grave—that the 6th of George
I. was a lie on the face of it, when it asserted the power of
the English legislature to bind Ireland; and declared he thought
the repeal of that law was a full renunciation of the assertion, and
went most fully to the total exclusion of every claim of the same
kind in future.

Sir *Lucius O'Brien* repeated the arguments he had before advanced on this subject, to prove that a repeal of the act comprehended a thorough repeal of the principle.

Mr. *Martin* observed, that he never felt less difficulty in prevailing on himself to give a negative to a proposition which originated from an Hon. Gentleman who deservedly held the first rank in point of abilities, but that he wished most earnestly to hide if possible from this country and from Great Britain, that there was a man living who appeared discontented with the manner and form in which Great Britain had given up the antiquated and usurped claims of binding this country. He further observed, that as to the taking the opinion of the nine judges of Ireland, and the twelve judges of England, it was a matter perfectly unnecessary, and could never turn out satisfactory, in as much as the Honourable Gentleman's proposition did not by any means contain a fair state of the case, and that an opinion obtained upon a mistated case, could not fail to disturb the peace of the country; no mention was made in this proposition that the Declaratory-law was repealed in consequence of a message from the King to both Houses of Parliament, desiring that they should take into consideration the jealousies and discontents that subsisted in this country; he also observed, that our unanimous address of the 16th of April last remained on the table of the English House of Commons, when the motion of the 6th of George I. was made;—he also said, that the Hon. Gentleman mistated the fact when he said, that we preferred a lesser security to a greater, for that in his mind we had taken the best possible security, if we reflect that the honour of Great Britain, as a nation, is at this moment pledged to us, and that so long as Great Britain shall venerate her own honour, or respect the just claims of Ireland, we could have nothing to dread; but he said, that if Great Britain should, in defiance of national compact, appeal to the sword instead of the laws of the land, such an outrage, he observed, nothing but force could encounter; and that if she was determined to act unfairly by us, she would, in defiance of such an act of parliament as the Hon. Gentleman proposed, attempt again the power of legislating for us; he also observed, that as a lawyer he should most undoubtedly oppose the present motion; he said, it did not appear that the judges opinion was required upon a subject of controversy between both kingdoms, it might be required where individuals alone were concerned, and should the judges be then of opinion with the Honourable Gentleman, upon such a supposition, it follows, that it would be by no means wise to reason about a Declaratory-act, where individuals were concerned, and the repeal of an act that aggrieved a whole nation; he also said, that he expected soon to see every man who wanted money to procure the opinion of council, endea-

vouring to influence his friends to propound his case in the form of parliamentary questions for the nine judges to resolve, and that by this means, that of anticipating the opinion of the judges, the functions of the Four-Courts might very soon be suspended. Mr. *Martin* concluded by saying, that although he had not the least hesitation in directly refusing the motion proposed by the Honourable Gentleman, yet he contented himself by moving for the order of the day, which he accordingly did.

Mr. *Walsh* said, he plainly saw, that calling for the order of the day was considered by ministry, as a mode of getting rid of great national questions. He then repeated the argument to prove a simple repeal of the English act ineffectual, and contended for an express renunciation.

Colonel *Fitzpatrick* rose to speak a word or two, to the remark made by Mr. *Walsh*, on the order of the day being called for. The Honourable Gentleman who had called for that order, was not one of the administration, but an independent gentleman; but he was glad to find that independent gentlemen had been named with administration, for it was to the independent gentlemen of Ireland that administration looked up for support. The Hon. Gentleman had already given his motive for calling the order of the day, that a dissent should not appear upon the journals.

Mr. *Wilson* said, for that very reason, he was glad the order of the day had been called for, as a measure which went to unanimity. He was, in his own mind, satisfied, that the repeal of the 6th of Geo. I. went to an effectual and thorough renunciation of all right to bind this kingdom. By giving up the power and the principle, England gave the most decided and satisfactory proof of her having for ever resigned the idea of re-assumption; therefore, to insist on any further declaration on our part, or renunciation on hers, would neither diminish the intention or the power to oppress, but by implying an ungenerous suspicion, might suggest, and almost justify her taking the first moment of her power, to resent and retaliate unkindness. Refinement might be carried to excess in politics, as well as in any other matter. Too intense an application to any object might magnify it into chimerical consequences; for as the gallant *Fontenelle* remarked, there was no object could bear too close an inspection, but the ladies eyes, and even in that case, it was sometimes happy the curtain was drawn.—It was not friendly, he said, to attempt a diminution of that good opinion and confidence which the present administration had deservedly gained from the public; but it put him in mind of a circumstance which he had treated lightly, but he now found had too much truth in it. When the *Carte Blanche* had lately come over from England desiring the Irish to state their grievances, a friend jocularly said, that the ruin of the constitution would

ensue ; and being asked his reasons for such an assertion, he answered, it was a maxim in politics that a free constitution might date its ruin from the moment opposition ceased. He, at that time, laughed at the matter, but he now found the observation realized. For these and other reasons, he thought the resolution unnecessary.

Mr. *Crookshank* insisted, that as the right of binding Ireland did not exist before the passing the Declaratory-law in England, it could not exist after the law was repealed. If Great Britain, he said, had possessed the principle before the act was made, the very passing of such an act, would in itself, be nugatory. But as England made that act to create to herself an assumed power, therefore when that power was done away, a principle could not remain, which never had any existence.

Mr. *Flood* threw out some humorous remarks on those men who could find lavish encomiums for every administration, but who always looked upon the last administration to be the best. In answer to the gentleman who spoke last, he thought it necessary to say, that as England did assert a principle, it was necessary now she should say there did not remain a principle. The Hon. Gentleman said it was done away, with the power that assumed it. It could not, while several binding laws were still existing, or while the authority of Lord *Coke* was staring every man in the face with it. His was a dictum that could not be overturned.

Mr. *Fitzgibbon* said, he foresaw all those difficulties which now occurred, when this question was brought on in Lord *Buckingham's* time, and it was for such reasons he opposed it at that time. In the body of the act of repeal, he said, the principle was retained, by the exception in regard to the appeals now before the English Lords. Could they retain these, without retaining at the same time, the principle unimpeached ? What could such a retention lead to, but for the purpose of a future reviving power ? Another thing struck him, which was the reluctance with which they would return heads of a bill for quieting possessions held under English acts in this kingdom. It looked as if they would not return any thing which wore the face of disclaiming their assumed rights over the kingdom. It were better insist upon a renunciation now, than when they would not be allowed a possibility of future discussion.

Mr. *Grattan* asked, if when matters were brought to final adjustment, they would chuse to break new ground, and go into further discussion ? Their address went to obtain from England a renunciation, and that she has done in the late repeal, which was in fact, a repeal to the principle itself. Their own act expressly cut off the English from the power of making any future laws to bind this kingdom. They asked but a repeal of the act, and the act was repealed ; and yet after all this, the matter was to be or-

pened afresh ! Could any thing be more dangerous after the treaty was concluded, than to think of such a measure ? After the faith of England was passed with a full recantation of her assumed power ! He then answered the argument advanced, and said, that the two principles by which he guided himself in this business, were accomplished ; the first was to obtain liberty for Ireland, and the second to obtain that liberty with as little chance of danger as possible.

Mr. *Flood* denied, that he or any other gentleman, whose opinion he consulted, were satisfied that a mere repeal would answer the wishes of the nation. Such a thought did not visit his waking hours, and could scarce invade the inaccuracy of his dreams. The Right Hon. Gentleman said, that a final adjustment having taken place, it could not be revoked. *Magna Charta* was thirty times revoked, and as often granted, according to the circumstances of the times or the inclination of the sovereign. He would not give up his opinion in this, though he were to stand single against a million. He had the anchor of law under his feet, and nothing should make him take it up but the completion of his country's wishes.

Mr. *Grattan* remarked, that by the very emphatical manner in which the Right Hon. Gentleman spoke, and the very strong figures in which he conveyed his language, it should seem as if the nation was required to believe, that the country was betrayed ; and the Right Hon. Gentleman the only man who could be found to stand up for the constitution.

Sir *Edward Newenham*.—I know not which of the Gentlemen is right ; I wish they would jointly agree in the best measures for the good of Ireland, and not let jealousy divide them ; it is equal to me whether A. or B. serves my country ; jealousy, at this crisis, forebodes no good to Ireland, we shall be injured by such conduct.

Mr. *Flood* denied his desire of conveying any such idea, and that he only spoke his own opinion.

The order of the day being called for, the question was carried, and Mr. *Flood*'s motion consequently negatived.

The House in committee on the regulation of his Majesty's marine forces when on shore. Sir *Lucius O'Brien* in the chair.

Mr. *Flood* observed, that the House had been told, that in the Mutiny and other bills passed in England, the naming of Ireland had been particularly avoided, but in the act which was passed in England for the regulation of the marine forces, Ireland was included. He then moved, that the following words be added to the preamble of the present bill ; “ Whereas the parliament of Ireland is the only possible power on earth competent to make statutes of force in this kingdom.” The king's great seal being put to this would answer all the purposes of a declaration of indepen-

dence. But after some little time, having convinced himself that Ireland was not mentioned in the English act, Mr. *Flood* begged leave to withdraw his motion.

Colonel *Fitzpatrick* expressed his surprize that the Right Hon. Member did not before know of this, as he was in general very attentive to every thing which came under the description of a public subject. The truth was, that in the last administration, the bill had been brought in with Ireland inserted in it, but the word had been left out by the present administration.

Mr. *Fitzgibbon* said, that Lord *Beauchamp* moved, that the word *Ireland* should be left out, which was done, notwithstanding the strong opposition of Sir *George Yonge*.

The committee went through the bill. The chairman reported, and the report ordered to be received to-morrow.

Mr. *Isaac Corry* said, he had intended to have made a motion that day, of some consequence, but having understood that the matter was in the hands of a Right Honourable Gentleman for whose person and abilities he entertained the highest esteem, he should relinquish the subject to him, and content himself with giving his warm support to the motion.

Mr. *Gardiner* acknowledged the civility of the Hon. Gentleman, in relinquishing to him the motion alluded to, which he should not have presumed to interfere in, if he had not had the honour of suggesting it originally to the House. He then proceeded.

The object of my motion is to spare to his Majesty a part of the standing army of this kingdom. This is a grant which, at this particular crisis, will be attended with great credit to Ireland, with great benefit to Great Britain, and cannot fail to intimidate the mutual enemies of both countries. With respect to this kingdom, we are well acquainted with the number and force of the Volunteer Associations, and we have observed with pleasure their improvement, from day to day, in military discipline. As to their spirit, we have experienced the constant support they have already given the internal police of the country, and there is no doubt of their shewing the same alacrity whenever they may be called upon for her defence. Nay more, some of the corps have proffered their services to his Majesty to go over to Great Britain in case of emergency; a conduct so noble and so manly, as must reflect infinite credit to them. As to their disposition, there never was a nation in which more universal harmony prevailed; the people have a confirmed confidence in Great Britain, and would exert every possible effort to defend and to support her. If we consider the state of our sister kingdom this boon must be attended with singular advantages; if she chooses to accept it, it must convey to her enemies a great idea of confidence which she so justly places in the power and attachment of this people; if she does not ac-

cept it, it will be a strong implication of her own strength, and of the sufficiency of the force she is possessed of. In either case it will be an incontestible proof, that we are ready and willing to yield her every effectual support which we are capable of bestowing. A grant of this nature is the most effectual we can bestow. As to any pecuniary aid, the mite we could contribute, would be lost in the vortex of expence in which Great Britain is continually involved. What she wants at this moment is a supply of men, and those we ought to spare her, particularly as we are too strong to fear any possible detriment to ourselves.

I am the more happy in bringing forward this measure, as it may be a great means of forwarding the intentions of my Hon. Friend (Mr. *Grattan*) who proposed the supply of the navy of Great Britain. I am convinced that a supply of seamen is what is particularly wanted at this crisis. I am told that there was an expedient offered in Great Britain, to transfer a part of the marines who have served on board, to the duty of seamen; this appears a very practicable idea, as those men must be better adapted to that service, than such as are entirely unaccustomed to the sea. If this be done, those marines will probably be supplied by some of the young regiments now in Great Britain; and from this proffer of ours, she will be able to fill up her land forces there, with those troops which we grant. The consequence of which would be that she will not only acquire a considerable and immediate supply to her navy, but she will exchange her raw and unformed troops in England, for our veteran and disciplined ones; and thus a double benefit will accrue from the measure which I mean to submit to the House.

I observe that gentlemen are so much disposed to be of one mind with respect to this proposition, that I shall not waste their time by saying any thing further in the recommendation of it, but shall move you for leave to bring in heads of a bill for sparing to his Majesty 5000 men of the standing forces of this kingdom, whenever he shall be pleased to draw them out of Ireland.

Mr. *Grattan* expressed the highest approbation of this project. It was worthy of the nation, and the Right Honourable Gentleman who suggested the idea.—He would therefore, he said, second the motion.

Mr. *Flood* desired to know, whether it was intended the troops should be paid by this nation or Great Britain?

Mr. *Gardiner* said, he had introduced a clause into the bill, which provided that the troops should be paid by Great Britain; but if gentlemen think this country is in a situation to afford to pay them, it would be more honourable for us to make the proposal. The number of effective men, he was informed, amounted to upwards of 11000, so that upwards of 6000 would remain in the kingdom.

Mr. *Flood* thought the payment of the troops out of the kingdom would establish a bad precedent.

Mr. *Fitzpatrick*, after expressing his warm admiration of the generosity of the House, and the loyalty of the nation, said it was not the intention of government to suffer Ireland to pay those troops, they should be paid by Great Britain.

The motion then passed unanimously.

SATURDAY, JUNE 15.

Having gone through the heads of bills before the House, and agreed to the same.

Mr. *Gardiner*'s heads of a bill for granting his Majesty 5000 men of the established forces, to be employed out of the kingdom, were also agreed to; and the House adjourned 'till the 15th of July.

MONDAY, JULY 15.

The House met pursuant to adjournment, and several bills returned from England, received a first reading.

Mr. *Hartley* said, he understood there were many alterations made in the Paving-bill, which obliged him to move for a committee of comparison.

The bill was ordered to be referred to a committee of the whole House, and also a committee of comparison ordered as desired.

The *Recorder* presented a petition from *Henry Archdall*, against the bill for the relief of his creditors, and praying to be heard by council; which was moved by the *Recorder*.

Mr. *Foster* opposed the motion, as Mr. *Archdall* had been before heard by council, and it was only taking up the time of the House to hear council in every stage of the bill, and to hear the same arguments over again.

The *Recorder* said, he did not know but the object of the bill was a criminal one; but no man had any other guide for its actions than the subsisting laws; and this bill is of consequence to the public even more than to the individual, as it is establishing a precedent for an *ex post facto* law, which was, in his opinion, unconstitutional.

The *Attorney General* observed, that if he was rightly informed, Mr. *Archdall* was an assignee under an act of parliament, of a bank that had failed several years ago; and therefore he thought it would be proper to pay attention to the bill, so as not to put the bank creditors on the same footing with his own creditors.

Mr. *Foster* did not think the bill a hard one in the present case, to make a public officer account for the public money; and every bill of the same nature must be an *ex post facto* law.

The question being put, the petition was rejected.

Sir *William Osborne* declared himself against the bill for confirming several English laws and statutes, and that he would oppose the same; and at the same time should desire the act of Henry VII. to be read. He said, he thought such a bill dangerous to the constitution, and he would, therefore, to-morrow move a resolution to the House.

The proper officer presented at the bar, pursuant or order, an account of the number of effective men now in the kingdom.

Mr. *Fitzgibbon* desired to know, if part of the regular forces should be drawn away, pursuant to the late vote of the House, what force was to be substituted in their room; and though he had as great a respect as any man for the Volunteers, yet he did not think them sufficient without the regular forces, as by their constitution they could not be commanded to the field if a battle should be necessary. He did not think it a prudent measure to part with our regular force without some other being established in their stead, and he wished the House to consider seriously of the measure, as it was before hastily taken up and carried by surprise.

Mr. *Gardiner* said, his Hon. Friend had argued as if the 5000 men to be sent away were to have no proportion of the non-effectives; but the case was otherwise, and if so, the number remaining must be 4000. The cavalry also, he said, were not to be excelled in any part of the world, and were a very considerable number. As to the Volunteers, he thought very differently from his Hon. Friend, as he was convinced that they would effectually oppose the best disciplined army the enemies of this country could send against it. He said, that the proper time for discussing the propriety of the act for granting to England the assistance of 5000 of our troops, was when that act was first propounded; but now, when it was so generally understood to be the intention of parliament, when England actually counted on this assistance, to retract would be the most ungracious thing in the world.

Mr. *Brownlow* said, that the example of America was sufficient to shew what might be expected from Volunteers—men determined to be free were superior to any regular troops whatever.

Sir *Lucius O'Brien* thought that draining the country of men was in the highest degree injurious. He said, we had granted 20,000 men, and, he believed, it was as much as could conveniently be raised here; that there were above forty officers recruiting here for regiments, marines, &c. which much retard the raising the men voted by parliament, and our measure was in danger of being disappointed by these parties giving higher boun-

ty, &c. He did not approve of those recruiting parties from England, as he looked on them to be illegal, 'till properly authorized by law. He said, the vote of aid was unanimous, and the only question on giving part of our regular force was, whether we should pay them or let Great Britain pay them.

The Right Hon. *Henry Flood*, in order to reconcile the different doubts and opinions, moved, "That the proper officer do return an account of the number of effective men that will remain in this kingdom, after withdrawing 5000 men, exclusive of marines, and the men of the Royal Hospital."

Mr. *Fitzpatrick* said, he was apprehensive the account could not be prepared in proper time.

The motion was agreed to unanimously.

TUESDAY, JULY 16.

The bills returned from England which were yesterday read a first time, were this day read a second time and committed.

Upon the Clerk's reading the Paving-bill,

Mr. *Hartley* rose: He said, that it was at this time, when the constitution of Ireland was just restored, particularly incumbent on the House to proceed with the utmost circumspection and care, and by no means to form any precedent which might hereafter prove injurious to the rights of the country. He said, he had attended to the bill in the committee of comparison, and found that it had been materially altered since it had passed the House: It had been altered in a way obviously unnecessary, and only tended to display that some person or persons still assumed a power to alter bills after they had passed the Irish House of Parliament. He said, that inasmuch as under the authority of this bill, money was to be raised upon the subject, the bill was a money bill; and he trusted that no man would at this day be hardy enough to propose, in an Irish House of Commons, the passing of an altered money-bill.

Mr. *Adderley* inveighed bitterly against the present board of commissioners for paving: He said, that under them, though immense sums had been lavished, yet our streets were in worse repair than before their institution: That notwithstanding they had opposed every attempt of *reform*, the corporation of the city had sent a Mr. *Howison* to England, at an expence of 600*l.* at whose special instance the alterations in question had been made in the bill. He said, he thought the bill necessary, and would give it his support.

Mr. *Hartley* defended the conduct of the corporation of the city. He was not to know, he said, of any act of Mr. *Howison*, he

opposed the bill as an altered money-bill; on that ground he stood, and hoped to find support from every man who regarded the constitution. He lamented the absence of Mr. *Recorder*, then engaged in his judicial capacity at the quarter session; but hoped his own opposition would be sufficient against a bill so glaringly improper.

Mr. *Walsh* asked, if any body would allow that the English privy council had a right to alter the bills of this kingdom?—This, he said, was a time that the smallest intrusion should not be suffered.—Could Lord *Abington's* recent motion be forgotten?

Mr. *Flood* said, he thought it very material that the House should come to a spirited resolution, and reject the bill.

The question being put, that the Speaker do leave the chair, in order to consider the bill in committee, the numbers appeared,

Ayes,	—	—	54
Noes,	—	—	24

The bill was then read, reported, and ordered for a third reading to-morrow.

Mr. *Hartley* again declared it was obnoxious to the general sense of the city. Former innovations had been made in regard to original rights, but this bill went to take away entirely the interference of the corporation, though the money would be raised on the citizens. He then maintained their constitutional rights, and said, he thought it very hard that the city should be offered such an insult.

Mr. *Dillon* said, he hoped the streets would in future be better paved; and to effect that purpose, he thought there was an absolute necessity for the present bill.

Mr. *Adderley* observed, that the last paving corporation had ran 20,000*l.* in debt, for which no account would be given. He said, he was present at a time that 70*l.* had been given to scavengers, and not a single service done in consequence. He was present when shameful things had been done at the board.

Mr. *Walsh* said, that as he saw the Right Hon. Gentleman, the *Attorney General*, in his place, he would give notice, that on Friday he meant to object to the bill he brought in, for the better transmission of bills to England.

The *Attorney General* observed, that as it passed the Lords and Commons as a bill, it would never return to that House, but remain with the Lords.

Mr. *Walsh* contended that it should be sent back to the Commons for comparison, as they could not be certain whether it was the same bill which had been afterwards passed into a law.

The *Attorney General* replied, that it was provided the same bill, and no other, should be sent back unaltered; it was the

actual parchment that had left that House which had been returned unaltered.

Mr. *Flood* contended that it was a desperate wound to the constitution, and he feared would be productive of much mischief. When, said he, a great lawyer, in the 18th century, in the moment of reformation, and with the hand of a pretended reformer, cuts off for ever one of your constitutional remedies, the injury is irreparable; when such a man undertakes to settle the constitution, and adjust the claims of two nations, every thing he does not contradict he admits; every thing he does not declare erroneous, he sanctifies as truth. If the law of Poynings has prohibited us from propounding laws, has he asserted the contrary? No. If you were unparliamented by that law, has he taken away your incapacity? No. The Right Hon. Gentleman's bill says, the privy council shall not certify any bills but those which have passed the Houses of Lords and Commons; but does it say they shall not originate bills; and if it does not, of what advantage is this sorry word *certify*? Thus nothing is given to parliament, nor is the power of originating taken from the privy council.—The Right Hon. Member had no right to bring in this bill; if he thinks he had a right under the 11th of Elizabeth, he is totally mistaken; for if that act did give a power to repeal or suspend the law of Poynings, this bill could not come under its sanction, as it is neither a repeal or suspension of that law. He must, therefore, allow that either he and the nine judges were mistaken, and that we had always a right to bring in bills, or that he had no right to bring in this bill.

This law may be so construed as totally to annihilate your constitution, and put it in a worse situation than it was. The proper remedy would have been either to repeal the law of Poynings, and to re-enact such parts of it as were advantageous, or to pass an act to explain that law.

The *Attorney General* said, that the bill was not before the House, nevertheless he would be at all times proud to acknowledge it as his, and he doubted not but it would hereafter be a subject of great praise, and of great national satisfaction, though the Right Hon. Gentleman had now made it a subject of censure.

Mr. *Fitzgibbon* stated, from the report of the Adjutant General, that the number of effective men and officers which would remain in this kingdom, after 5000 should be drawn away, would be

Infantry,	—	1725
Cavalry,	—	2522

This, as a very serious business, he submitted to the House, and hoped the bill for granting 5000 of our men, would not again be pushed forward at twelve o'clock at night, with twenty members in the House.

The Right Hon. Mr. *Fitzpatrick* desired to know if the returns on the table were satisfactory to Mr. *Flood*; if so, his motion, "That the proper officer do lay before the House an account of the number of men, &c. &c. which will remain after 5000 shall be drawn away," might be discharged.

Mr. *Flood* replied—it will do no harm to let that order stand.

The bill for preventing revenue officers who do not receive 200*l.* per ann. from voting for members to serve in parliament, was read.

Mr. *Gardiner* stated many objections to this bill: He declared that the House was going beyond its authority, as the representative body had no right to deprive any of the constituent body, by whose authority only they had existence, of their franchise. He said, that waving the matter of right, and considering expedience only, the example of England was not applicable to the situation of this country: In England many boroughs were in the hands of revenue officers, in Ireland not one; in England repeated complaints had been made on the subject, in Ireland not one; in England, where the great bulk of the people were protestants, the protestant interest could not be materially injured by depriving a number of protestant voters of their franchise; in Ireland, where protestants were comparatively few, great care should be taken to preserve their privileges. He concluded with saying, that as he thought it not only impolitic, but cruel and unjust to deprive a number of deserving men, against whom no charge had been alledged, of their most invaluable privilege, he would now oppose the bill, and move for a repeal of it whenever he found a proper opportunity, should it pass into a law.

Sir *Edward Newenham* expressed his concern at the different sentiments which he and his Right Hon. Colleague so often held: He said, he came to parliament supported by the wish and instructions of his constituents; they had decided for the bill, and their decision had determined his conduct; and though his Right Hon. Colleague declared that he would oppose the bill in every stage, and year after year endeavour to repeal it, yet he flattered himself, that at some future period his Colleague would wish to fly at higher game, and totally exclude ALL revenue officers from votes, either in or out of parliament, as it was done in our sister kingdom.

Mr. *Rowley* said, he was glad to find the Right Hon. Gentleman so very attentive to the protestant interest; but as he had declared that he would move for a repeal of this bill, so did Mr. *Rowley* declare that he would move for the repeal of certain parts of bills brought in by the Right Hon. Gentleman, which were, in his opinion, utterly destructive of that interest.

Mr. *Fitzgibbon* declared himself an enemy to the bill; which, under the specious pretext of rooting out corruption, was calculated merely to serve borough interest. If he had before any doubt about rejecting it, he could have none now, when he was assured that the present ministry were creating two new employments, that of Attorney General and that of Solicitor General to the Queen; which employments were doubtless intended for the purpose of augmenting the influence of the crown.

Mr. *Brownlow* said, he hoped the Hon. Gentleman's information was not well founded, as, if true, it was utterly repugnant to the professions of ministers: It would not only increase the influence of the crown, but it would increase the expences of the nation, as these officers would in time obtain salaries. The bill before the House he, however, thought was founded on a good principle, and would therefore support it.

Mr. *Fitzgibbon* said, he believed he was rightly informed; it was not denied; but he did not use this as an argument against the bill, calculated as it was to serve borough interest, but as an argument against the pretences of ministers.

Mr. *Flood* said, this was the time to crush the serpent in the egg, before it attained maturity to be destructive. It was well known, he said, that in the military line, and amongst lawyers, rank and precedence had more influence than money:—Was it a salary of 60*l.* a year made Mr. *Yelverton* accept the office of Attorney General? Was it 100*l.* a year that made another gentleman accept the office of Prime Serjeant? Or 80*l.* that gave such charms to the place of Solicitor General? No, it was the rank; and whoever would attend to the effect of rank, and to the magic influence of office, would find its power pretty considerable in the House of Commons; yet, notwithstanding, though new offices were actually creating, they were depriving a considerable part of the constituent body of their franchise, in order to diminish the influence of the crown.

Sir *Benjamin Chapman* said, Mr. *Gardiner* need not accuse himself of any omission to oppose the bill: On its first passing the House he had presented a petition of twelve gaugers against it, and this day twelve arguments; but as he had not been moved by any compulsion for the twelve gaugers on the first day, neither was he influenced by the weight of either of the twelve arguments on this occasion.

Mr. *Martin* observed, that if, when the question respecting the bill had been first agitated, he could have excused himself for not having formed a decided opinion respecting its merits, many circumstances since its having gone over to England, contributed to convince him of its eminent utility. He observed, that the electors of several respectable counties had expressed themselves in favour of the bill, and the different Volunteer Associations had

addressed the Hon. Gentleman who brought in the bill; these, he observed, were reasons which would ever continue to have weight with him; and though gentlemen who opposed his law had brought themselves to disregard popularity, he could not applaud them for so doing; and therefore he should depart from their example, by giving it, as he had hitherto done, his utmost support. He said, he would not assert that his Majesty's present commissioners of revenue had ever made use of any direct influence over the minds of revenue officers; but this, he observed, was owing to their virtue, and not to their want of power. He said, he would venture to assert, that his Hon. Friend behind him (Mr. *Beresford*) had more weight with the lower class of men, holding revenue employments in the county of Galway, where he himself resided, than he or the two members who had the honour to represent the county, joined with him, had; and that this, he would venture to affirm, would be found to be the case throughout the thirty-two counties of Ireland. He also said, that the Honourable Gentleman who opposed this bill, did not take upon him to say, that the commissioners could not influence the votes of revenue officers, but that they had moderation to decline making use of the power they had of corrupting these unfortunate men. He said, that he would admit for a moment, that the commissioners would not have dismissed any person for having voted contrary to their wishes; yet, he said, that the idea at present was so prevalent among the voters, that any man who voted against a government candidate, might be either dismissed from his employment, or that his future preferment might be retarded, and that this influenced in a great measure the suffrage of electors; and therefore, he said, that whether these men acted from real or imaginary fears, the freedom of election must be violated; and that therefore the law became evidently necessary. He said, that as to the Right Hon. Gentleman moving at a future day for a repeal of this law, he hoped that the hour in which the House would consent to repeal it was far distant; for that that law would be fatal in a great degree to the liberties of this country. He further observed that an Honourable Gentleman had thought proper to inveigh against the supposed creation of two new officers, a question not in any degree before the House; namely, the office of Attorney, and Solicitor General to the Queen; he said, whenever that question came before the House he should think himself as free as any other person to discuss it. At present, he said, he would earnestly recommend it to his Hon. Friend, not to deliver any decided opinion upon the measure, until it might be officially known whether he was appointed or not, to either of these offices.

Mr. *Conolly* was for the bill, as a means of confining the influence of the crown within proper bounds.

The bill was carried without a division,

Sir *William Osborne* said, he rose to give his negative to the bill for recognizing such English acts of parliament as grant equal benefits and impose equal restraints on both kingdoms. He said, he hoped the House would do him the justice to believe he would not interpose if there were not matters in the bill which, in his opinion, militated against the constitution: Some things which, if passed into a law, would endanger the legislative power of the nation. He regarded no ministerial doctrine; he thought of nothing but the old British constitution—wished to be left in the situation in which their ancestors left them.—He then went over a long statement of the constitution, from the time of Henry VII. pointed out the precarious ground of the forfeited estates; the power which England was made to have over the trade of Ireland, by a recognition of its commercial laws; and touched upon the hardships of precluding Ireland from the importation of East India goods from other markets, when she was cut off from that trade by an English monopoly: He remarked, that the penalty of 500*l.* annexed to the oath of abjuration, could, by the recognition of an act of Queen Anne, be inflicted against a subject of Ireland in the court of Westminster, and that this was confirmed by the opinion of the ten judges. He insisted, there was a proviso in the bill which admitted of English external legislation, by admitting that the operation of the acts recognized, should be the same as that of England. The last clause, he said, adopted the illegal commissions and processes of England. He then adverted to the repeal of the 6th of George I. and said, he could not conceive that the repeal amounted to a renunciation. The fathers of the present men, he said, were tyrants; and their posterity might at a future period become equally tyrants. By the bill, it should in fact be necessary that all ranks, even to the peasant, should know the statute laws of England, to avoid incurring pains and penalties; a weight that would puzzle the ablest lawyers. He said, he entertained great respect for the Roman Catholics, but he knew of no proviso which prevented their sitting in that House; a matter not very consistent with the spirit of the constitution. He respected Great Britain, and could lay no blame to that quarter. The advantages he complained of were not, he said, gained by English, but lost to this country by Irish folly.

Mr. *Fitzgibbon* said, he would endeavour to remove the Hon. Baronet's doubts.—The forfeited estates were in the crown, the grants to individuals taken away, and vested by the act of assumption with the trustees for forfeited estates. Such an act was necessary. There were many private acts also passed in respect to property: There were estates in the counties of Galway, Roscommon, and elsewhere, held under such acts. The admitting of English acts in respect to commerce was not implicit. All the bill said, was merely that it would conduce to the benefit of the

commerce of Ireland to adopt such acts; and nothing, he conceived, but the adoption of such acts could strengthen the affection and harmony of both nations in the line of trade. He could not see the necessity of peasants being informed of the English commercial laws, or carry statutes to regulate their conduct: If ever they were called upon, it must be under the direction of the sheriffs, or those whose situation demanded some knowledge of the laws. Could treaties of commerce exist, with an opposition or difference of laws? If such a matter were expected, a distinct code of laws must be enacted, different from those of England. In answer to the restrictions of the East-India trade, he observed, that they could not think of separating so far from England, as to expect to be put upon a different footing. Ireland was as open to that trade as England. There was a necessity found for granting an exclusive trade to an East-India Company; and the subjects of Ireland might as soon become proprietors of East-India stock as those of England. As to the assertion, that the penalty of an oath taken in that House might be inflicted at Westminster-hall, he believed the Right Hon. Baronet was misinformed: The act says, that the penalty shall be recovered in the courts of Dublin. He denied that there was any proviso in the bill which admitted of external legislation: It went no farther than an adoption in this kingdom of the English regulation of commerce, and to make them of no longer force than those of England. That very proviso, so much objected to by the Right Hon. Baronet, was the cause of the bill's being so long delayed in England, as Lord Camden conceived that the proviso went to dictate a law to England. The provision, he said, was general, that all laws which conferred equal benefits, and imposed equal restraints, should be adopted; by which means the Navigation-act was adopted. The Right Hon. Baronet said, that the last clause adopted illegal commissions and process: Unless this clause was put in, all commissions, writs and processes, would fall to the ground on the demise of the King. He begged of gentlemen to consider the situation of affairs when the bill was introduced. The jealousy of England had been alarmed, and on that very account, in policy and wisdom, the bill was softened as it then stood.

[Here a reference was had to the statute which inflicted the penalty mentioned by Sir William; and Mr. Fitzgibbon said, that the mistake arose from the misconception of that puzzle-pated man, Bullingbrooke, who thought proper to introduce such a wrong construction in his reports,]

The Right Hon. Colonel Fitzpatrick said, he thought it necessary, as Lord Abingdon's bill was that day mentioned, to put that matter in its true statement:—Lord Abingdon made no motion to introduce his bill: As a mere matter of conversation, he had mentioned his intention to the House of Lords, of introducing

such a matter, but when he found that it met with the discontent of the whole House, he dropped the further pursuit of it, from the evident certainty of its being rejected. He should be sorry, he said, that any idea should go abroad which tended to impede the measure of raising men; but he trusted to the confidence and affection of the nation, and to its reliance upon the friendly and candid conduct of England. Though an unfortunate change had happened in the council, yet God forbid that the empire at large should in any wise suffer by such a change. He hoped that all persons would still continue strenuous in their endeavours to forward the great work in hand, and would be convinced, from the manner in which Lord *Abingdon's* bill was rejected, of the sincerity of the sentiments of England.

Mr. *Flood* asserted it to be always his maxim, to regard measures, but not men. Though the Right Hon. Gentleman mentioned Lord *Abingdon's* idea so lightly, yet it was the opinion of a great part of England; it was the opinion of the Secretary, whose change the Right Hon. Gentleman lamented. For his part, he said, he laid no blame to the ambition of the English, but to the folly of the Irish. Lord *Abingdon's* conduct was wise; he put in his claim for a future assumption of rights, and laid his protest before the Lords, against the claims of Ireland, whilst the Delegates of the Volunteers were on the spot, in their ambassadorial capacity. Because the bill was not received, could that circumstance prove a renunciation? Did any man in the House get up and say that the pretension was absurd; had the sentiment been rejected, would not somebody have got up and said, "England has renounced the legislation of Ireland." A total silence, on the contrary, tacitly admitted that external legislation was not given up. Had they renounced that claim, would Lord *Abingdon* rise to make his motion; or would any lord listen to him if such a renunciation was allowed?—Nothing but a renunciation, continued he, can be valid. Can any man be content with the less security, if the greater is in his power? An act of renunciation would be an act that they never had a right to bind you. You cannot take away the rights of posterity, but you can prevent posterity from those rights they ought to enjoy. Had an act of renunciation been passed, could any man in the House of Lords hear, with honour, the claim of Lord *Abingdon*? It has been asserted, that England could alter such a renunciation: But there are certain fundamental things which cannot be altered. Can Magna Charta be altered? The Articles of the Union with Scotland cannot be altered.—Had Lord *Abingdon* proposed an alteration of the Articles of the Union, would it have been admitted? But did one man in the House of Lords oppose Lord *Abingdon*, or utter a syllable in behalf of Ireland? He laid his claim in the hearing of the men who went in their ambassadorial capacity; but when no

objection was made to his claim, can it be deemed less than a tacit acknowledgment of this claim? Consider, for a moment, in how important a relation you stand to England. Could she send twelve sail of the line to sea but for your assistance? In what light may not Lord *Abington's* conduct be considered by a future parliament, which might not consider his conduct in the light of singularity it is viewed at present? They may say that, like the first Brutus, he concealed his wisdom under the disguise of folly. My intentions were fixed upon bringing in a bill to effectuate this great purpose, but not until after the repeal of the Declaratory-law of England.

He then adverted to the bill before them. It could not, he said, be called a continuance of that noble act of Henry VII. called Poynings', that law only mentions such acts as were deemed for the benefit of the common weal; but many commercial acts have been since passed, deemed so tyrannical, that the separate introduction of them in Ireland, would never be admitted. It is to this sort of milk and water assertion of constitution, that the kingdom would ever stand upon a precarious footing; for there could be nothing so dangerous, at some times, as fear. After the whole kingdom had come forward and offered its support, every idea of fear became criminal. Did they think, when they stammered at their rights, that England would come to their bar and articulate them? Such a conduct was womanish. It was the first time, he said, he ever knew a national body legislate by the lump, in the adoption of the laws of a rival nation, who was wrestling with her for her liberties. He asked, who was to be the judge of those equal benefits and restraints they adopted? The Admiralty of England. In case of an appeal to that court, by what laws can it be guided but those at present existing? Had England passed an act of renunciation, and afterwards attempted to coerce the shipping of Ireland on the seas, the judge of that admiralty would have a statute law to treat as pirates the force that would molest her commerce. Situated as the kingdoms stood now, should they bring their complaint before that court, the Englishman demands, "where is your act for bringing such complaint?" The Irishman says, you repealed the 6th of George I. and the delegates acknowledged that the repeal was sufficient. I shall go to the rolls, replies the judge, to examine by what law I can proceed, for I cannot find your claim founded upon any law that I know.—An *influenza* seized your senses, when your sovereign offered the grant of all you wanted, that you neglected to obtain unequivocal freedom. You are to be judged in the Admiralty of England, and the fleet of England are the officers who are to execute its decrees.—He said, he considered the bill as dangerous. We set out with a paltry principle of fear, when we might have spoke out. We had a right to make as unalterable

a law as that of the Union. He, therefore, strenuously contended, that the present bill should be negatived, and such a one sent over in its room, as should be fully expressive of our rights.

Mr. *Fitzpatrick* observed, that with regard to Lord *Abingdon*, he made no motion to introduce his bill when he found the sense of the House against it. Singular characters may be found in the English as well as in the Irish senate, whose abilities might be admired, and whose eloquence was always heard with pleasure. Lord *Abingdon*, he confessed, was a character highly and deservedly esteemed, and nobody could blame him for forming a different opinion from others. He had heard, with pleasure from all parts of the kingdom, that the people were content, and fully satisfied that enough had been done by England.

Mr. *Flood* replied, that a great part of the kingdom were, on the contrary, of his own opinion. He defended his conduct against the charge so often repeated, in and out of doors, that he had brought his objections too late. Even the delegates, he said, were of his opinion, for they allowed the necessity of a renunciation when they accepted the English repeal as such.

Mr. *Forbes* and Mr. *Ogle* defended the bill, and the acceptance of the repeal as a thorough and perfect renunciation. The latter, in particular, said, it was the voice of the kingdom, and the county he had the honour of representing had sent addresses expressive of their satisfaction.

Sir *Edward Newenham* felt himself much distressed whenever he differed with Mr. *Flood* in matters of a public nature. His integrity he never doubted; his abilities he always revered. However, indisposed as he was with a violent cold, and however unable as he was at any time to enter into argument with so powerful an opponent, he accepted the challenge thrown out by the Right Hon. Member, who had said, that the general sense of almost the whole nation was with him. Sir *Edward Newenham* asserted, that the general sense of the whole nation was not with him—for this plain and uncontrovertible reason, because the Right Hon. Member did not make his amendments and objections at the proper parliamentary period, but suffered the original catalogue of our grievances to go to his Majesty, without amending it agreeable to his ideas; his superior abilities would have insured success, and then indeed the whole nation would have been with him, and any grievances that his judgment pointed out would have been redressed; that he would then have joined the Right Hon. Member at the hazard of his life and fortune. The Right Hon. Member had appealed to the people, so would he to the same awful tribunal for the integrity of his conduct; and would sign a penal bond of 20,000*l.* with that Right Honourable or any other Member, as a forfeiture for accepting, for themselves, either place, pension, or lucrative employment. He was not the patriot of a day. The Right

Hon. Member had stepped into a very lucrative employment, and he had been dismissed from a very profitable office.

Confiding in the integrity and mover of the bill, it had his hearty concurrence. He revered the whig administration of the illustrious Duke of *Portland*, not to be excelled in virtuous principles, and superior to every species of corruption; that nobleman deserved every respect; he had proved himself a friend to Ireland; under him the influence of the crown would be lessened: for his part he never meanly courted the rising sun, but would pay respect to the setting luminary; and confident he was, that future ages would revere the name of *Bentinck*.

Mr. *Bushe* pointed out the futility of those arguments which were advanced for the necessity of an act of renunciation. He asked, if a future parliament should repeal such renunciation, is it the prior or the subsequent act they would pay a regard to in the Courts of Admiralty? Certainly, he said, the latter.

Mr. *Bagenal* begged leave to read a few lines out of Lord *Abingdon's* speech, as follows:—That as nothing was asked by Ireland that was not granted in every particular, and supposing on that, that unanimity would succeed, the affairs of Ireland became no longer the subject of my reflections; but perceiving that I was mistaken in my conceptions and that although Ireland had obtained all that had been requested, the measure was not complete, nor the cup yet full.—Then comes on the bill, which his Lordship holds up by way of retaliation, the retaliation of one man upon another.—Mr. *Bagenal* said, that if the three or four that composed the minority had propounded the renunciation on the 16th of April, instead of apparently acquiescing in the address, no man in England should have been the first to oppose it. He, for some time, had looked upon a renunciation as unnecessary, if not hazardous, and was therefore glad to hear the Right Hon. Gentleman speak of going farther: perfectly unnecessary, when this kingdom was in possession of a stronger renunciation of British supremacy than could possibly be expressed in any form of words whatsoever. He meant her unjustifiably renouncing the protection of this island in the day of danger, when she was squandering hundreds of millions, and employing hundreds of thousands of men on impracticable ambitious projects. That instant her pretended claim vanished and was done away, we were set adrift with swords in our hands; protection was renounced, and we disdained protection; like a young eagle, whose parents had critically withdrawn, Ireland felt herself able to soar, and she was free—We became unprotected and independent at the same instant—little more remained to be done—England felt that it would be a vain attempt to keep us in subjection to her legislature after renouncing protection—tricks, however, she did attempt, but they were too many resources in the hands of our general;

and if the idle, discountenanced, unfair retaliation of a single man was now worthy of our notice, this would be a resource. He had been satisfied that it was discountenanced, and he was satisfied that the parliament of England will never renew her usurpations; and if the three or four dissentients had been timely explicit, perhaps there might have been a renunciation; but our asking it would have been a revival of their usurped and abandoned claim. For example, a woman is violated, a man gains an ascendancy over her, and usurps the power of an husband, gives out she is his wife, lavishes her fortune upon prostitutes, at last abandons her, is it prudent for that woman to sue for a divorce? Might not such a suit be pleaded by implication, as proof of a fact or claim of which no other evidence can be produced? Would it not endanger her remaining property?—When we have an actual renunciation, the repeal was all that could be asked—it is done, and if he felt a cobweb still remaining on his hands he would not be satisfied; but by being in possession of liberty exclusive of right, renunciation and repeal, as a kingdom, we have every title we possibly can have. Let an English Lord claim our Western and Atlantic ocean—let him forbid France the British channel, and force kings to abdicate their thrones—let him proclaim he will restore the remnant of an empire, by controuling her trade, and promising her friends, they shall not have the same advantages as enemies. If such senators can disturb the peace of nations, our permanent security is on a very flimsy foundation; and if nations will listen to them, connections they possibly may have, but the fruits of connections it is impossible they ever should have. Even yesterday's interruption of the public tranquillity would cast a damp upon the spirit of recruiting for England.—So much for *Abingdon*.

The question being put for committing the bill, it was given up without a division.

WEDNESDAY, JULY 17.

Mr. *Crofton* said, as the representative of a great county, and for the sake of public justice, he thought himself obliged to lay a matter of complaint before them, and to move a resolution in consequence thereof; or for the House to adopt such mode as they should think proper; it was of consequence; it was a complaint against a judge, Judge *Robinson*. Here he stated the nature of the complaint: That the judge had taken upon him to discharge a recognizance for the appearance of *Gregory Farquerson*, to take his trial at the next commission, without a trial; by which he escaped public justice.

The matter was referred to the committee for the Courts of Justice.

The Right Hon. *Henry Flood* observed, that many illiberal sarcasms had been thrown out against him, to which he was callous : He had been told he was looking for a phantom, but he would endeavour to restore the substance. He was not satisfied with what had been done : We had not obtained a legal security of our independence ; which was what he wanted, and wished to get for his country ; and he would, on Monday next, bring on this important subject.

This brought on a conversation between Mr. *Grattan* and Mr. *Flood*, which was conducted with coolness and good temper, and a recapitulation of their former opinions and parliamentary conduct on this great national object.

Mr. *Grattan* declared himself of his former opinion, and that he was satisfied that the repeal of the 6th of Geo. I. notwithstanding the respect he had for the Right Hon. Gentleman's opinion, was a sufficient and effectual repeal and renunciation of all rights of legislation by the British parliament over this country, unless he should hear some convincing arguments to the contrary. He complimented Mr. *Flood* on his great abilities, and did not doubt but if he had conducted the business, it would have been more effectually done.

Mr. *Flood* declared, that he was not displeased with any man for differing in opinion with him, he had mentioned some of his doubts and objections to the Hon. Gentleman in confidence, and in the House ; all he wanted was to substantiate the legal independence of his country.

THURSDAY, JULY 18.

Mr. *Fitzgibbon* again called the attention of the House to the state of the army in Ireland ; he said, that when 5000 infantry should be drawn away, there would remain but 2534 men and officers ; that a considerable part of this number were in the hospitals sick, and at least 1000 of them raw recruits. But supposing the whole number to be *effective men in their shoes*, still they were inadequate to the defence of the country, and not more than a sufficient garrison for the capital. That if the French and Spaniards should, in the absence of the British fleet, which would soon be sent to relieve Gibraltar, make a *feint* at Cork, this handful of troops would certainly be ordered that way, and nothing would be more easy then, than for the enemy to detach three or four thousand men, which embarked on board a few transports, and convoyed by half a dozen frigates, might land near Dublin,

and either burn or lay it under contribution. 'Twas certain, he said, we had a formidable body of cavalry, but cavalry could not act in an enclosed country. And as to the Volunteers, though no man entertained a higher opinion of their loyalty and courage, and though he believed that 20,000 of them drawn out on a field, would face any other 20,000 men on earth, man for man, yet he thought it would be ridiculous and absurd to expect, that Volunteers not under the controul of a military law, not commissioned by the king, not provided with camp equipage, magazines of provision, or with military stores, could be marched from one part of the kingdom to another, or could be kept together so long as a prudent general might deem it necessary; they would grow impatient of the hardship of their situation, and would be more forward to meet an enemy than discretion might require.—There is another circumstance, continued he, which might render the service of Volunteers still more dangerous to themselves. The commander of an invading army would immediately publish a proclamation, ordering all persons who had not the king's commission, to repair to their dwellings, and if after that he should find any such persons in arms against him, and be able to make them prisoners, he might hang them if he thought proper. I own an utter ignorance of military law, but I am so informed— if this be true, what man would fight so circumstanced, or will the Volunteers accept commissions from the king?—Sometime since it was proposed in the South of Ireland, that they would accept commissions, but the proposer hardly escaped their resentment. Gentlemen seem to treat this business lightly, but except they will shew me some resource that I have not been able to discover, I must oppose sending away so many men.

Mr. *Montgomery* (of Donegal) expressed the strongest reliance on the Volunteers; yet he thought it would be unwise to strip the nation of its regular defence, 'till some digested plan should be agreed to. He thought, that upon an occasion of so much importance, government might descend from its state, and consult the gentlemen of the country, who were both able to propose, and ready to execute proper measures for the nation's security.

Mr. *Brownlow* observed, that no distinction ought henceforward to be made between the two kingdoms; the safety of one was the safety of the other; and he doubted not that government would be equally solicitous for both. His Majesty, he said, had a discretionary power, under the bill, to withdraw the troops, or to let them remain; and doubted not that his Majesty would use this power wisely and impartially: and even if the troops were all withdrawn, he would not entertain a fear for the country's safety. The glorious Corps of Volunteers, though perhaps not quite so expert as their enemies, exceeded them in spirit; and what might be wanting in discipline, was amply made up in numbers.

He added, that the honour of the Irish nation was engaged to furnish 5000 men. The nation had always preserved the highest character for honour; and though even some inconvenience might arise from performing a promise, he was certain the promise of Ireland would never be broken.

Mr. *Hall* expressed great confidence in the Volunteers; they had frightened Great Britain, and he doubted not, would prove an overmatch for her enemies.

Mr. *Gardiner* said, that as he had the honour of introducing the bill, he thought himself called upon to declare, that it was not taken up lightly, nor without mature consideration; he relied upon the high spirit—the greater number—and the unshaken loyalty of the Irish Volunteers; nor did he think the enemy could throw into this country, a force sufficient to stand before them. As to the articles of camp equipage, provisions and ammunition, he thought government bound to provide them where wanting; but he rejoiced to find that the military ardour of the Ulster Volunteers and of several corps in our provinces, had impelled them to furnish themselves with camp equipage, and whatever else was necessary to fit them for the field; nor did he doubt but every corps in Ireland would follow their example. He said, that in former wars, one half of the army of Ireland was kept with a suspicious eye to watch the people; but since the wisdom and liberality of parliament had united all men in the defence of their country—since by acts of indulgence and of justice, they had extinguished all animosity, suspicion and jealousy had ceased; and those who had formerly been distrusted, because oppressed, might now be relied upon, as true and loyal Irishmen. This, he said, made a most material difference in the situation of Ireland; this, and the force of our glorious Volunteers, in his opinion, made us invincible to all our enemies.

Mr. *Rowley* said, that he had almost made up his mind upon the bill, but the argument which the Right Hon. Gentleman had drawn from the fidelity of a certain set of men, had put him again in doubt; for he never could have any confidence in men who acknowledged a foreign authority.

Mr. *Fitzgibbon* arose again: he said, he had since been better informed, that persons not bearing commissions, if taken, could not by the laws of war be hanged; but that they were not entitled to the privileges of prisoners of war; but their treatment lay at the discretion of the invading general. As to what had been said about the troops not being withdrawn, 'till necessity should require, he thought it no very great mark of moderation; that as yet they had not been withdrawn, as the bill was not yet passed. But it was well known that five of the best regiments had received strong hints to hold themselves in readiness to embark; and if the country would be laid waste, it would be a poor satis-

faction to say, that they had rashly and giddily engaged their honour. He always wished to support England; but he would never consent to leave Ireland abandoned.

Mr. *Fitzpatrick* said, that though his learned friend was well versed in civil law, he did not seem to have much studied the military code. The idea of hanging, or in any wise maltreating men who took up arms to defend their country, was too barbarous and savage to be entertained by any nation of Europe. If the Volunteers, says he, are never to use their arms 'till commissioned, will the Honourable Gentleman propose the accepting of commissions to them? He did not rise to defend the bill as a measure of government—it had not originated there—yet he had the most firm reliance that the remaining troops and volunteer corps were fully equal to the defence of the kingdom; nor could he for a moment suppose, that any government would leave them destitute of necessary accommodation—or even withdraw the troops granted, but in case of urgent necessity.

Mr. *Bushe* professed to entertain strong doubts on the subject: but the *Recorder* closed the debate, by declaring that the honour of the nation was plighted to England, and that we could not retract.

FRIDAY, JULY 19.

Mr. *Flood* arose to make his promised motion: He said, he would not speak at large to a question which he had already so fully explained, until some opposition should be made: he would only premise one idea: He said, it was granted on all hands that Ireland ought to obtain the best possible security for her liberties, and it was manifest that legal security was the best, as was proved in the case of the union between England and Scotland: Now, though he did not think such an union would be desirable between England and Ireland, the circumstances of the two countries being so different, yet he thought such kind of security as that which England gave to Scotland at the union, would be advantageous to Ireland. The union of England and Scotland, was a union of both crowns and both legislatures. The crowns of both nations are already united by a strong bond, for by a law of our own it is declared, that whoever wears the imperial crown of England, shall also wear the imperial crown of Ireland. The consent of that person too under the great seal of England, and consequently with the knowledge of all the great officers of England, must always be had to the acts of the Irish houses of legislature before they can become laws. This bond of union he would never wish to impair, but he would wish to see parliament as well

secured in its rights as the crown was: For which purpose he moved for leave to bring in heads of a bill for the purpose of affirming the sole exclusive right of the parliament of Ireland to make laws for this country, in all matters internal and external. He then proceeded to read the heads of a bill, the purport of which was, to bind for ever the two crowns, and for ever to separate the jurisdiction of the two legislatures; for it declared that whenever the King should give his assent to any British act purporting to bind Ireland, then, and from thenceforward, that law which declares the imperial crown of Ireland inseparably annexed to that of England, should be *ipso facto* repealed. This, he said, would be a reciprocal and irrevocable bond of union, an everlasting security of harmony and concord.

Mr. Grattan requested to know on what ground Mr. Flood made his motion; did he think the late transactions inadequate?

Mr. Flood said, that after having so often declared his sentiments, he did not expect that question. He did think the late transactions totally inadequate to the security of the rights of Ireland.

Mr. Bagenal said, the Right Hon. Gentleman (Mr. Flood) had made use of a very proper expression—the shadow of English legislative power over this country—for no man living now disputed our right of internal legislation, and if there did we were in a state to defend it; that there were but three or four who disputed the right of external legislation; and he believed we should soon be an overmatch for them; yet the great basis of our security would always be in keeping it the interest of Great Britain to leave us in peaceable possession, for nothing but interest can ever bind nations; nor would this be a difficult matter, Great Britain is not what she was; and at the conclusion of the war she will see what her debt is, and what connexions she has left, from whence to draw resources, that if her sun was set, as a noble lord in England had asserted, she would be glad to see ours rise.

That mutual assistance, the real tie of connexion between allies, will always be more acceptable and satisfactory, and strengthening to all parties, than for one to become tributary, as Scotland in some sort is; and yet to become tributary is the only way to make the Right Hon. Gentleman's scheme of adjustment (for two kingdoms, by an act of both their parliaments) less infringeable than a repeal, for it is the tribute that will make the act binding on the strongest state. But when it is the interest of Great Britain to make us as strong as possible, there is no occasion to become tributary for permanent security.

Mr. Flood got up and said, he had mentioned nothing of tribute.

Mr. Bagenal acknowledged that he had not, but that it seemed to lead to it; but he would not dwell upon that; he thought the

repeal, with all its appendages, amply sufficient; and that the Right Hon. Gentleman, by this bill, was only out-doing his usual out-doings, and that he was glad of it, for that the renunciation he spoke of at first was perfectly futile; that Great Britain could never be jealous of our strength, because it was very improbable we should ever be as strong as she will; that she had many enemies, and we were her only friend. Neither can she ever be jealous of even our external trade or legislation, if we can rely upon the Right Hon. Gentleman's own speculation—Non-importation agreement will always be more beneficial to us than a free trade.—He heard him concur in that sentiment when it was expressed last winter in that House, by a gentleman whose abilities and integrity are inferior to no man. [We presume he meant Mr. *Forbes*.] All then that the Right Hon. Gentleman is contending so violently for, at a moment the most unfavourable and ungracious, is a more explicit, but not a more secure or necessary title to a trade that it is impossible Great Britain should ever be so unwise as to dispute. Was not this trifling with his own happiness and ours, when he knows that by availing ourselves of non-importation agreements, we may in an instant be benefited, and put an end to the dispute? The Right Hon. Gentleman had represented us in the ridiculous situation of appealing to a foreign court for justice against England; but it is himself that would bring us to that state, by relying totally upon legal security; we are in possession, and it is the non-importation agreements that will always secure us a free trade, and the volunteers that will secure our internal legislation. Another gentleman, to whose wonderful abilities and faithful perseverance this kingdom is indebted for more than ever it entered the heart of man to conceive she would possess, most beautifully and pathetically had expressed himself, that he remembered Ireland a child long before that gentleman could remember he had been delighted with her little heats and wrangles with her constant play-fellows, Master Poynings, and little Philip and Mary; but now that she might be expected to know better things, when he still saw her always anxiously employed on trifles, playing *King I am, but where are my men*; and fretful when she is her own mistress—it grieved him.

Mr. *Brownlow* said, it became necessary that gentlemen should declare themselves, and on his own part he was perfectly satisfied, as he rested upon the good faith of Great Britain, and the mutual interest of both nations. It would, he said, be more to the interest of the country, to have satisfaction inculcated, than be raised to discontents; he therefore would depend on the virtue of Ireland, and the liberality and good sense of England, and consequently thought the motion unnecessary.

Mr. *Flood* again insisted on legal security, like the act of union, which was, he said, unalterable.

Mr. *Ogle* contended, that the act of union had been altered. One of its articles was, that the common law of Scotland should never be altered; but it afterwards underwent a change, and another alteration was made after the rebellion. The parliament of England being the judges, if they altered in one instance, what can prevent them from altering it in another? If a frantic minister, at a future day, should be inclined to such a measure, and questioned on the legality of such an act, he might reply, the right was in us, for the Irish called for a renunciation of that right. As to external legislation, he conceived, that the re-enactment of the English commercial laws, made them a bill of rights for that purpose. They were bound by every duty to stop where they were, for the people were content;—if they were not content, why did they not stop their addresses, which were so expressive of their satisfaction? The discontent of a few should not be opposed to the happiness of a nation.

Mr. *Martin* desired to know from the Hon. Gentleman who made the motion, whether he was certain England would accede to the bill which he then brought in. The Hon. Gentleman had often put gentlemen to the torture of interrogatory, and he thought he had a right to ask him that question. [No answer.] I am decided then, continued he, that the business has been done to the extent that was, or ought to be demanded. Is the kingdom unanimous in the demand of such a bill? I, on my own part, declare, that I know one great county which is perfectly satisfied; and I think we ought not to commit the nation once more against its inclinations. This measure was, he said, like a man calling upon his friend to witness an imprudent conveyance of his fortune: His friend was totally silent at the unfortunate signing of the deed, but that once done, and irrevocable, his friend reproaches him, in the bitterest terms, for the rash step he had taken.—Why were not the present objections started before the honour of the nation was pledged? He thought the measure highly unnecessary, and would give it his dissent.

Mr. *English* declared, that the sum of what he had heard amounted only to this, that the repeal was collectively and constructively a renunciation; but why not put it beyond construction? It was otherwise but the shadow of a renunciation; and it was the evident intention of England, not to give up external legislation.

Mr. *Hartley* said, that it was, on every hand, denied that Great Britain ever had a right to legislate for Ireland. Why, therefore, should they insist upon the renunciation of a power England never had a right to possess? What security could the bill afford against the attacks of future ministers, who might say, that day was yours, but this is ours? As the motion was unnecessary, it should have his negative.

The Hon. Mr. *Brown*, spoke in favour of the motion. He said, that England had offered hostile America those terms, before they were offered to the Irish. The very words of the minister (Lord *Shelburne*) were "unequivocal freedom." Would America be satisfied with a repeal of the Declaratory-law against her? No! No! (added the Hon. Gentleman, in a true strain of pathos.) The Volunteers only said, that they understood the repeal was a renunciation, and were, in consequence, satisfied. Their language should now be so explicit, that no Englishman should have it in his power to say, "we never renounced the power of legislation."—The English, said he, are an honest people, and if they had fully and fairly renounced their claim, they never would be brought by the artifice of any minister to renew it: But as to ministers, why should not gentlemen be as watchful of the present as of any former set? What benefit have they matured for this country, that their predecessors did not cultivate and almost bring to ripeness? Why then should we place too much confidence in men who have given no uncommon proofs of their integrity? If they permit us to get this bill under the great seal of England, we have a firm establishment of our rights; if not, they openly shew their intentions.

Mr. *Monck Mason* said, he looked upon the bill as of a tendency highly injurious; as it would be admitting that the right had existed with England.

Mr. *Gardiner* declared, for one, that he was perfectly satisfied. The right of Ireland was not a written one—it was inherent in the constitution.—A claim had been set up by England; she resigns that claim; but this bill would be admitting that the right had not been inherent in Ireland. It was objected, that the people were not satisfied; he could say they were very lately so, when a universal joy spread through the country, for the benefits received; and it was a considerable time before a murmur arose among them. As they had every cause for content, he hoped they would be again satisfied.

Mr. *Bushe* said, that the nation, by its parliament, had already declared its full satisfaction at what had been done, and that it would be a breach of honour now to bring forward any new demands. That we had accepted the repeal of the 6th of George I. with its attendant circumstances, as adequate and as a perpetual bond of union: Our words were, "Gratified in this, no constitutional question will exist that can disturb the harmony of the two nations." And are we now to unsay what we have declared? Are we to say that there does exist any constitutional question, and that what has been done does not furnish a perpetual pledge of unity? I have a great respect for the Right Hon. Gentleman's pilotage, but before I undertake this political voyage with him, he must tell me where I may hope to furl my

fails, and when drop anchor. At present I am inclined to rest as we are—we have obtained from England what we have asked; we have established our liberties and secured our constitution; we have done this with an *united* nation, and now with a *divided* nation we are desired to tarnish our honour, and furnish the British parliament with arguments against us. Every gentleman of the bar, said he, whom I have consulted, has declared that the repeal of the 6th of George I. is sufficient; and yet we are to weaken our natural defence, and unman our fleets, for the shadow of a renunciation, which may at any time be cancelled: It is as foolish as if the creditor of a minor, who has solemnly engaged his honour to pay his debt upon coming to age, should insist upon having that promise written upon stamped paper, and by such an affront provoke the minor to depart from his honourable intention. Let me tell the Right Hon. Gentleman, that if the propagation of his doctrine has not done any positive good, it has done positive harm, for it has given ground for a future minister of England, whose intentions to Ireland may not be so friendly as the present, to say, “we have not renounced our authority over that country, the wisest of their senators were of that opinion, and I will renew the claim.”—As to the Volunteers they have done great good; but if they are to be appealed to upon every occasion, no man can tell where it will end.

Mr. *Walsh*.—I have always considered it as almost a matter of course, that any member of this House should have leave to introduce heads of a bill. I will venture to say, that the opposition now given to my Right Hon. Friend's motion (Mr. *Flood*) stands unprecedented in the history of any country that has ever pretended to a free constitution. Was it ever known that a delegate of the people was refused leave to bring in a bill of rights? A bill asserting the indisputable rights of the people. The question now under debate (I am bold to say) is of the greatest magnitude that ever came before the Commons of Ireland; it is a question of no less importance than this—whether we are to be freemen or not—whether we are to have a totally free and independent legislature, alone competent to make laws for us internally and externally.—Were I an Englishman, I should applaud the open and manly manner in which Lord *Abingdon* asserted (what he conceived to be) the right of Great Britain. But as an Irishman I should be despised, did I not, in as open and as decided a manner, assert the direct contrary of his position; which is, that no power on earth has a right to make laws to bind Ireland, internally or externally, save the King, Lords, and Commons of Ireland. On that position I would stake my existence. When Lord *Abingdon*, when Mr. *Thomas Pitt*, when different other members of the British parliament, have asserted that Great Britain has a right to make laws to bind Ireland externally, and when that as-

sertion stands uncontroverted by any member of the British parliament, can we now hesitate? Is there a man amongst us who, at this time, and on this most momentous occasion, will skulk from his post, as a trustee of the people, and refuse to call on our most gracious sovereign to put his royal signet to the indisputable rights of his people of Ireland? This day may for ever decide the fate of this country; I should therefore hope, that on this great constitutional question, on which the very existence of Ireland, as a free country, depends; I say, hope that reason and sound argument, not numbers, may govern the decision of this august assembly.

I should not trespass on the indulgence of the House on the present occasion, when the question has been ably supported by the unparalleled abilities of my Right Hon. Friend (Mr. Flood) had I not been the person who first objected to the simple repeal of the 6th of George I. as inadequate to the emancipation of Ireland from a foreign legislature. I made the objection publicly in the face of the people, on the night of the 27th of May, when an Hon. Member (Mr. Grattan) moved an address to the King. I did then assert that nothing short of an express renunciation by the British parliament, of its claim to legislate for Ireland, in any instance, was adequate to the purpose. I am of the same opinion still, because I am confident that my objection was founded on a pure principle of law. On that night an Hon. Baronet (Sir Samuel Bradstreet) and myself composed the minority. I reflect on it with pride, and I envy not those gentlemen who composed the majority.— Could I have had a doubt that my objection was well founded, that doubt must vanish when I see that the gentlemen who differ from me on this great question, have not been able to adduce any legal argument in support of their opinion. When the validity of my objection stands unshaken by the great abilities of those gentlemen, I think I may venture to assert, that my objection is sterling, and founded on an uncontrovertible principle of law. The gentlemen have but *superficially* opposed the principle of law, on which I ground my opinion; they have touched the *surface*, but have not met the *substance*.

A declaratory statute only declares what the law was *previous* to such declaratory statute. A declaratory statute only declares what the law was *before*, but does not enact or make any new law.— These legal principles, I presume, no gentleman will be hardy enough to controvert. If then I am right in this position in point of law, then, I say, that the repeal of a declaratory statute is not in construction of law a repeal or renunciation of the principle upon which that statute was founded. Then, I say, that the repeal of a declaratory law is merely a repeal of the *declaration* only, and that it leaves the law as it was before; and consequently that the right, or assumed right, remains as it was before the existence of

the declaratory statute. Now, I say, that the English statute, the 6th of George I. is *merely* a Declaratory-law in point of legislation; it enacts nothing; it makes no new law; it declares merely a former power, be that power legal or usurped; I say it does not vary the case as to the present question. The 6th of George I. merely declares the pre-existing right, or *assumed* right of England to legislate for Ireland. By simply repealing the 6th of George I. what is done? Nothing more than this—the *declaration* of the pre-existing right, or assumed right, is repealed; that is, the *declaration alone* is done away by the repeal. But the pre-existing *assumed* power *still* remains unrelinquished and unrenounced by Great Britain. By the repeal of the 6th of George I. we are left in the exact situation we were in *previous* to the existence of that statute. I ask what was the situation of England and Ireland previous to the 6th of George I.? I answer, England was in the full exercise of her usurped power of legislating for Ireland. I say, that usurped power remains *unrenounced* at this instant, because I rely on it, that the simple repeal of the 6th of George I. is inadequate to the purpose of renunciation. So that we are at this day in the very situation in which we were in the 5th of George I. Now I will meet the gentlemen on their own ground, and I say that the simple repeal of the 6th of George I. does not fulfil, it does not satisfy the addresses of two houses of parliament on the 16th of April last. I say, that nothing short of an *express* renunciation of the *claims* of Great Britain to legislate for Ireland can ever satisfy the words, and plain and simple construction of those addresses. Now the simple repeal of the 6th of George I. by no means meets the plan and obvious meaning of those addresses. Because by a repeal of this declaratory statute, the declaration alone is *extinguished*, but the *claims* for Great Britain to legislate for Ireland still remain unrenounced.

But the gentlemen have, by their own arguments, admitted by the strongest implication, that the simple repeal of the 6th of George I. would not by *itself*, be adequate to a renunciation on the part of Great Britain. See then the awkward situation the gentlemen are driven into, in order to bolster up what they call a renunciation.

They are obliged to patch the addresses of the two houses of the Irish parliament, to an act of the British legislature, simply repealing the 6th of George I. and they attempt to cook up this extraordinary renunciation thus. Say the gentlemen, take so many lines of the address of the Irish House of Commons, take such a proportion of the address of the Lords, add them to the act of the British legislature, then mix them well up together, and out comes a full, express, and explicit renunciation by Great Britain, of her claim to legislate for Ireland. Now can any man be weak

enough to be led away by such a farrago of an argument, by such a medley? Will any unprejudiced man, will any man, who is not determined to be deaf to reason, say, that if the simple repeal of the 6th of George I. by the British legislature, is not in itself, an adequate and a sufficient renunciation of her claims to make laws to bind Ireland; that any assertion of the aggrieved party, of Ireland, can supply the deficiency of such renunciation? It is an absurdity on the face of it. The parliament of Ireland may assert the rights of Ireland; but no power on earth can renounce the claim of Great Britain to legislate for Ireland, but the British legislature. We may assert, but Britain alone can renounce.

But possibly the luminary of the law, the King's *Attorney General*, may argue this great question thus: He may admit the principle of law to be, as I have stated; that is, that a declaratory-law only declares what the law was before; and that a repeal of a declaratory law only repeals the declaration, but does not repeal the principle upon which that declaratory law was founded, and he may make this distinction, provided the declaratory law was founded on a legal principle, and he may say, that the 6th of George I. was not founded on a legal principle—that it was founded on an usurped power—and that therefore by repealing the Declaratory-law, the usurped claim of Great Britain to legislate for Ireland, vanishes and is done away. Now, I say, that such an argument would be a fallacious one, because I say, it matters not as to the present question, whether England exercised a real or usurped power, when she made laws for Ireland. The question is simply this; did England, or did she not, long previous to the 6th of George I. claim to have a right to make laws to bind Ireland? Did she, or did she not, in consequence of such claim, actually make laws, purporting to bind Ireland? Are there not existing at this instant, English statutes purporting to bind Ireland, and which were made long prior to the 6th of George I.?—No man can deny it.—Then, I say, that the 6th of George I. is merely a declaration of that pre-existing assumed power: and I rely on it, that a simple repeal of the 6th of George I. only repeals the declaration; and that the pre-existing claim, whether legal or illegal, remains at this day unrenounced by Great Britain.

We are now after the repeal of the 6th of George I. just where we were in the 5th of George I. and England was then in the full exercise of her usurped power of making laws to bind Ireland.—When the gentlemen find that these points are not tenable, then they take their stand on this ground.—They make use of this sweeping argument, which is to bear down every thing before it. Say the gentlemen, to what purpose do you desire an express renunciation from England? Surely, say they, the present

parliament cannot bind a subsequent parliament; if England should hereafter think herself in sufficient force for the purpose, she could as easily repeal an express renunciation, as she could re-enact the Declaratory-law; I say, that the argument either proves too much, or it proves nothing—because that argument would prove by the same rule, that it was improper to have asked any thing at all from Great Britain. Either Ireland was right, or she was not, in calling on Great Britain to disclaim her assumed power of legislating for us? If she was right, then she should have the best legal security the nature of the case would admit of—an express renunciation of the claim by the British parliament. If she ought not, to have called on Great Britain; then the simple repeal of the 6th of George I. leaves us in this unpleasant situation, either that we have gone too far, or that we have not gone far enough.—There is no man who has greater confidence in the honour and faith of Great Britain than I have; I therefore am the more desirous to have that faith pledged to my country by an express renunciation.

Because I know when that is done, it will be kept sacred and inviolate. But the simple repeal of the 6th of George I. does not pledge the faith of England to Ireland; because by the simple repeal of that law, England does not relinquish her claim. If ever there was a time that called for a bill of rights for Ireland, it is the present hour: I cannot therefore suppose that a majority of this House can possibly oppose my Right Honourable Friend's motion: I cannot suppose that the representatives of the people, in the face of their constituents, can refuse them a bill asserting their rights. If my Right Honourable Friend shall to-day fail in asserting the rights of his countrymen, he will at least, have this satisfaction, that of proving himself a faithful servant to the people.

Sir *Lucius O'Brien* said, that the repeal was a full, clear, and explicit renunciation. In this he was content; and having met his constituents lately, found they were also satisfied. More advantages had been gained in this one session, than all they had gained for three centuries past.

Mr. *Flood* declared, if people were content with an argumentative security, he should also be satisfied. After the King had given his assent to the bill he now introduced, he could not give an assent to any act to repeal it, as it would be degrading the crown of Ireland which he wore, and be contrary to his coronation oath. The Hon. Gentleman had promised to bring in a bill of rights, and why did he not bring in an effectual one? He then called upon the *Attorney General* to answer whether a repeal was a renunciation. He asked, if the Irish could resist coercion? Could they contend with the British fleet, in the act of enforcing external legislation? He had his fears, and individuals tottering on the brink

of the grave would see those fears realized. England yielded to the justice of their claims, and the power of their arms. The King was delivered from that act, by which he was heretofore bound, and could do them justice. He asked them if it was to arguments they were to trust their constitution?

He then went over the arguments he had used a few days before, in case of the seizure of their vessels, under external legislation, and the difficulty of obtaining justice, without a statute to intitle them to that justice, from an English Admiralty. Nothing, but an act renouncing that she ever had a right to legislate for Ireland, could put England out of reach of a future reassumption—Were they afraid that England would send out ships to lay waste their coasts, and burn their towns, because they asked an explicit declaration of their rights? The greatest law officer in the House had declared, that a repeal was not a renunciation; and it was for that reason he had introduced a bill which carried its own stipulation along with it.—How comes it, said he, that England will not have the same reliance upon you, that you have upon her? Whilst I can speak, I will utter that the constitution is not restored; for sixteen delegates could not have spoken the sentiments of Ireland while the matter was in agitation. You send over an act to your king, and God forbid that he should be afraid to exercise his legal authority, in a measure which must otherwise emasculate you as men, and stamp you slaves.

Mr. *Grattan* called for the address, the King's message, his answer, and the resolutions of the House on this subject, to be read, which being done accordingly, he said, this was to come at the sense of the House and the nation some time ago; and he would prove the conduct of the Right Honourable Gentleman at that time, to be decisive authority against his present assertions. Fortified by his inconstancy, out of his own words shall I confute him. [Here Mr. *Flood* called him to order.] Mr. *Grattan* persisted in adducing his conduct as sufficient authority against him. From the Right Honourable Gentleman's great vivacity, his pertinacy, and rapidity of eloquence, he might be some times hurried into an inconsistency. In the address of the 27th of May, the Right Honourable Gentleman did not back his objections with his vote, for he voted for the address. He was acquiescent on that occasion, only objected against the navigation and post-office acts. His acquiescence in the repeal then was not the scouting of it, as he did now. On the 16th of April his idea was also a repeal—it did not extend to the making of laws for the parliament of England. He doubted not if the Right Honourable Gentleman had then stated his objections but they would have been accepted: and the security would not thereby have been stronger than it is now, yet it would have had the good effect of depriving the Right Honourable Gentleman of an argument that has spread, perhaps, some

dissatisfaction. He should, at that time, have stated the repeal of that principle, which, in fact, had no existence but in the act, as the English assumed a power which they wanted to enjoy, and created the act for that purpose, which having since repealed, put an end to the principle. With some ingenuity indeed the Right Hon. Gentleman separated the repeal and the principle; but how, continued he, can it be repealed in the declaration, and stand in the principle? Can there be a negative and an affirmative in the same matter? When the repeal mentions, "All such matters and things therein contained, shall be repealed." Do not matters and things comprehend the whole principle? Does not the Right Honourable Gentleman allow this, by mentioning a while ago, that the King, by the repeal of this act, was liberated to give his assent to the present bill? Would he mean to assert in one instance, what he denies in another? A Declaratory-act may make such and such things, but its repeal does away the existence of principle in the matter now before them; it counteracted the principle, and determined for Ireland what it once took away from it. The repeal was a legal renunciation; but the Right Honourable Gentleman has appealed from the parliament to the people, and that is not founded in law. He has tarnished the faith of the British nation, and that is not founded in law. He has divided the harmony existing between both nations, and that is not founded in law. He rejects the inherent right of the constitution, and asks the parliament of England for leave to be independent. He rejects Magna Charta, and the security of common law—forgets that we are coeval with England, and have a co-ordination of Magna Charta, and calls at the bar of an English parliament for the legal security of liberties we enjoy by the same constitution with them.—Must England pass an act of parliament to renounce over again a power that she has already renounced, and raise a suspicion against the faith of your king, and of the British parliament?—It is a measure meant to mar and not to cement a general harmony, and would shake the validity of the act which has restored the constitution. He has talked of an appeal to the people. When 4000 troops were granted to cut the throats of our American brethren, I was not then in parliament, I could not oppose such a grant. But the Right Honourable Gentleman was in parliament, why did he not then appeal to the majesty of the people? When the perpetual Mutiny-bill was passed, why did he not appeal to the people? I appeal to the people, for the assertion of their rights, and with the assistance of others in this House, and the solemn demand of the Volunteers; procure those rights to be restored to the people; but the transports of the orator may sometimes go beyond the gravity of the senator.—The Volunteer genius presided over the welfare of this country, and they have twice in one year furnished their country with a constitution.

He then enumerated the advantages that were obtained, and the gratitude due in consequence. The Right Honourable Gentleman, he said, denied the validity of what had been done, and then brought in a bill which would neither be agitated, nor passed that session. Much better would it be to strengthen a security in the faith of both nations, and in cementing the friendship of Great Britain. Volunteers might be joked upon, their ambassadorial capacity might be mentioned, but it should be remembered that the Volunteers are the firmest pillars of the constitution. He had heard much mentioned of external legislation, and that Mr. Fox had been the advocate of that claim for England. In consequence of this assertion, he had taken pains to inform himself of Mr. Fox's sentiments on that head, and it only amounted to this; that Mr. Fox said, it might be useful, but he gave up the right; therefore the charge was not founded in truth. The present was said to be brought in as a bill of rights—could an Irish bill of rights operate in England? Were there no other, this very reason would operate to point out the futility of the measure. Lord Abingdon's bill was, in itself, an acknowledgment of the principle with the repeal, for he says, that in the 22d year of the present reign, external legislation was taken away from the English, and given to the Irish parliament, and his bill would go to repeal so much of the late act as concerned external legislation. He wished to know, he said, whether gentlemen intended to go further, as, in such case, he would make a motion to settle the business that night.

Mr. *Yelverton* used the same ground of argument, and with his usual ability pointed out the motion as unnecessary, the people of Ireland having obtained every security that England could give them.

After Mr. *Flood*'s motion, which passed in the negative without a division, Mr. *Grattan* said, he would move the following resolution:

“That the legislature of Ireland was independent, and that any person who should propagate in writing, or otherwise, an opinion that any *right* whatsoever, whether external or internal, existed in any other parliament, or could be revived, was inimical to both kingdoms.”

Mr. *Flood* said, he never would agree to a resolution to put the nation under a worse than Russian government. Shall this House, said he, shall the House of Peers, shall every man in the land be prohibited from speaking, be prohibited from writing, lest a particular set of men should hear truth?—That they have not done adequate justice to their country?—Are they so very sore that that they cannot bear to have their actions and opinions canvassed? Did the Hon. Gentleman intend to pull down the liberty of the press, and deface the constitution?—He then moved the question of adjournment.

Mr. *Grattan* observed, that as he thought his motion necessary to quiet the public, such gentlemen as were of his opinion would vote against the question of adjournment.

The House divided, at half past one.

For the adjournment,	—	13
Against it,	—	99

Mr. *Grattan* then altered his resolution to the following:

“ That leave was refused to bring in the bill, because the sole and exclusive right to legislate for Ireland in all cases whatsoever, internally and externally, has been asserted by the parliament of Ireland, and has been fully, finally, and irrevocably acknowledged by the British parliament.”

Mr. *Flood* said, that though he thought the resolution of very little value, when compared to an act of parliament, he was happy to see it introduced in the place of the first proposed by the Hon. Gentleman; he was happy to find that mens' mouths were not to be closed, or their pens prevented from asserting the right of Ireland; that the child of the mind might still be delivered, and the offspring of the imagination was not to be abortive; and he rejoiced to find that his opposition had given the Honourable Gentleman an opportunity of changing his resolution, as his former one could not meet with too sudden or too severe a rebuke, which tended to prevent the investigation, and for ever sink the constitution of Ireland.—I never, said he, saw so much emotion and anxiety as it excited in every part of the House. I therefore hope that the Hon. Gentleman, in settling the constitution, will take care for the future to keep within its bounds; at least I am bound to support the liberties and constitution of Ireland.

Mr. *Grattan*.—As to rebuke, it is but the rebuke of one man to a resolution, but no man can rebuke me.—The Right Hon. Gentleman may argue with me—may confute me—but he cannot rebuke me—I would not be rebuked.

Mr. *Flood* replied in a most severe and eloquent language, adverting to the essential reasons which ought to actuate every friend of his country, during the present great and momentous question.

The *Provost* observed, that it would be of dangerous tendency to admit an opinion to get abroad of dissatisfaction, especially as the public mind had been inflamed; and that it would be impossible to prevent ill consequences, unless a measure was adopted by the House to quiet the minds of the people.

Mr. *Grattan* withdrew his first resolution; and the latter was carried.

SATURDAY, JULY 20.

Mr. *Alexander Montgomery* moved for leave to bring in heads of a bill for building ships of war to protect our coasts, trade, fisheries,

&c. He proposed that each member of parliament should give 50^l. towards defraying the expence.

Mr. *Brownlow* said, he had often heard of members getting money from government by way of pensions, but never before heard of their giving it.

The Right Hon. the *Provost* thought it too late in the sessions to enter on the business, but said if it must be commenced, to wait for some time, 'till the House filled, it being a matter of great importance, and ought to be debated in a full assembly.

Mr. *Montgomery* called for a division.

For the bill, Ayes,	—	12
Noes,	—	30

MONDAY, JULY 22.

Mr. *Grattan*, after a preface expressive of the uncommon merit and patriotic virtues of his Grace the Lord Lieutenant, moved for an address of thanks to him for his wise, just, and constitutional administration.

Sir *Henry Hartstonge* seconded the motion.

Ordered unanimously, and a committee was appointed to meet to-morrow to draw up the same.

Mr. *G. Lowther*, after enumerating the many advantages this country and its constitution had obtained under the auspices of his Grace the Lord Lieutenant, moved, that an humble address be presented to his Majesty, that he will be pleased to continue his Grace the Duke of *Portland* in the government of this kingdom.

The Right Hon. Colonel *Fitzpatrick* rose to express his Grace's gratitude, and his own, for such an honourable mark of approbation; but, however flattering it must appear to his Grace, he would submit it to the Hon. Gentleman, after the reports (however ill-founded) which had gone abroad of his recall, whether it might not, by some out of doors, be deemed a corroboration of such reports? Though he knew no sort of foundation for the same. He, therefore, to avoid giving a wound to the delicacy of his Grace, wished the Hon. Gentleman would not persist in his motion.

Mr. *Rowley* said, the motion conveyed no more than the wishes of the people, and that he did intend to second the motion.

Mr. *George Ponsonby*, the *Provost*, and Mr. *Brownlow*, were for the motion's being withdrawn, as it was the desire of administration, whose delicacy they should be sorry to offend, and especially as it was grounded on idle report.

Mr. *Lowther* then withdrew his motion.

Mr. *Bushe* said, he had a motion of importance to make, though he did not intend to make any then. It was in regard to the de-

fenceless state of the nation, at a time that the enemies of Britain were masters of the sea. At such a crisis, the Volunteers, he said, should be put in a situation to take the field, which they could not do at present for want of field equipage. He, therefore, moved, that an humble address be presented to his Majesty, that camp equipage be provided for the Volunteers to ——— amount, (15,000 he thought) and to assure his Majesty that the House would make good the same.

After some observations by Mr. *George Montgomery* and Mr. *Flood*, Mr. *Bulke* deferred the motion 'till to-morrow.

Mr. *Brownlow* desired to ask the Right Hon. Gentleman high in office, whether it was in the contemplation of administration to create two new law officers, as had been reported.

The Right Hon. Secretary *Fitzpatrick* said, it had been in contemplation, being recommended by a noble lord, on a supposition that there was not sufficient encouragement here for the young gentlemen of the bar; that there had been such officers here before. It was not intended to increase the influence of the Crown, as these new officers, if they had been appointed, were not to have any salary, but on finding the measure was not agreeable to the House, every idea of it was given up. He declared that one of the first principles with the present administration was retrenchment. It was grievous to him to have it supposed he could join in any other.

The *Attorney General* said, he could declare from authority, that it was no arrangement, but the suggestion of a great law lord, whose abilities and integrity did honour to the high station which he held. Instead of its being an additional rank, or increasing the influence of the Crown, it would be only adding two new king's council to the bar, without pre-eminence or salary. He had the authority of old records that such offices did exist, because they are therein mentioned. When this administration wanted to fill up the vacancies of the courts, they did not look into the House of Commons for objects of promotion, (as was the practice in former administrations) but they looked into the Four-courts for merit; as was evident by the promotion of a gentleman unconnected with parliament, and distinguished for no influence but that of his abilities.

Mr. *Fitzgibbon* congratulated himself on being the cause of stopping this measure, by first mentioning it in the House. He was pleasant upon the *Attorney General*; and said, that ministry might see by the issue of this matter, how necessary it was, at times, to consult the advice of parliament.

Mr. *Fitzpatrick* begged leave to inform the Hon. Gentleman that his single objection had no weight in the change of the measure. A Right Hon. Gentleman (Mr. *Flood*) would do him the justice to say, that in the course of last week, when the Ho-

nourable Gentleman gave notice that he would bring in a bill to prevent the increase of places, that he said he would second the gentleman's motion. It was to the sense of the House, and not to that of the Hon. Gentleman who first objected, that this matter was relinquished.

The *Attorney General* observed, that an affair of consideration then lay before the House, which should be put to an end: This was the examination into the conduct of an Hon. Judge, whose abilities and experience had long been an ornament to the bench. The House would do him the justice to acknowledge, that when the subject was first mentioned, he did not give it any sort of opposition. The evidence of this whole transaction had been, since that time, laid before the grand committee of courts of justice, and they must have been convinced that the Hon. Judge had not been culpable. The fact was, that Captain *Farquharson* had been arraigned on a charge which was multiplied into five different indictments for the sake of increasing the fees of office: He had been tried upon four of these indictments, his regiment lay at Plymouth, and his being obliged to attend the fifth trial, (which was, in fact, trying him for the very matter on which he was tried before) the Judge set his face against what he might properly deem persecution, and discharged the recognizance.

Mr. *English* called the *Attorney General* to order, and observed, it was very extraordinary that gentlemen should argue by intuition, a subject that was not before the House, but might possibly come on in committee; that no person could be more sensible than he was of the respect due to a judge, both as the representative of majesty, and the executor of the constitution; but that he was equally sensible of the contempt and abhorrence the man deserved who could betray and debase the same trust, and not only distort but trample upon the laws he was entrusted to administer, to pursue the purposes of malignity. That all the virtuous and vigorous efforts of wise and able men, to keep the source of law pure, would be but of little avail indeed, if in its course the stream must flow through the sinks of iniquity and malevolence; that then it must partake of the properties of its channel, and instead of the balm become the bane of justice. That it must give sincere pleasure to every man in the nation to see the judicial benches filled as they are, with men of as much learning, ability, integrity, and liberality, as ever adorned any country, with a single exception only, and that indeed amounting to an absolute contrast to the legal character in this country. It was in vain for gentlemen to exert their abilities, in varnishing the vices of a character so particularly well known within the walls of that House. But he begged pardon of the House, for he found he had fallen into the error he rose to correct—in speaking of a subject that was not properly before them—and that he would not continue in that

error, but hoped the House would consider the proposition then before them, and that only.

The *Attorney General* said, that it could evidently be out of no resentment, as it was a favour done the prosecutor. Captain *Farquharson* came over to take his trial, but the prosecutors were unwilling, or had reasons for not going into the trial.

The grand committee for courts of justice sat afterwards, pursuant to the order of the day, and after some debate, and strictures made on the Hon. Judge, by some of the members, and warm eulogiums pronounced by others, and it being on all hands allowed, that no wilful or corrupt intent appeared in the conduct of the Judge, Mr. *Crofton* moved, that the Chairman do leave the chair; which being agreed to unanimously, an end was put to the business.

TUESDAY, JULY 23.

Mr. *Grattan* reported from the committee appointed to prepare an address to his Grace the Duke of *Portland*, to which address, when read, Mr. *Flood* proposed the following amendment:

“ Whilst we pay every acknowledgement to your Grace for that part you have taken, we fear that the act for explaining the law of Poynings hath been so conducted, as to leave it doubtful whether by countervailing the provisions of the law of Poynings, it is not incapable of becoming a law of the land; and whether is it not, *ipso facto*, null and void? And also, if it hath not implicitly confirmed all the pernicious principles of the ancient construction of that statute, without removing its defects, as it hath no provision to take away from the privy council the power of originating bills, nor to restore to Parliament the power of originating bills? That contrary to the express tenor of our address of the 16th of April last, it hath left the British privy council the power of stopping bills; that it hath removed from the crown the power of doing that which, by the law of Poynings itself, the King could have done; namely, of giving the royal dissent as he doth the royal assent, in the only method known to the constitution, *i. e.* openly and in full parliament, and thereby hath deserted the first principle of the address; to wit, a similar fate; and that by a confusement of old and new laws, it leaves a doubt, whether, in just, legal construction, any clear and unequivocal method be remaining for carrying on the work of legislation in the parliament of this kingdom. That with respect to the repeal of the 6th of George I. this House, in hope to quiet the people, without having read or seen the act of repeal, has declared that the British parliament—

“ Have fully, finally, and irrevocably acknowledged our sole and

“ exclusive right to make laws for Ireland in all cases, as well externally as internally ;”—yet we have much ground to doubt, that this hath not been sufficiently done ; and we believe that the people of Ireland are growing more and more of that opinion.”

The question was put on this amendment, which was rejected. The question was then put on the paragraph, which passed with some opposition.

The Hon. Mr. *Browne* said, he could wish to see the custom of addressing every Lord Lieutenant at the close of a session of parliament abolished. In England it was not the custom to address the King at the close of a session ; on the contrary, the King makes a speech to both Houses, which may not improperly be called an address to them. The reason why the practice has not been similar in Ireland, is, that the power of proposing laws, lay formerly with the crown, and the crown or its deputy was therefore thanked for every new law ; but if our constitution be therefore restored, as gentlemen pretend it is, we ought to act as the English parliament does ; for it is not only a humiliating but a false principle, and highly disgraceful to parliament, to see them collecting a number of phrases, enumerating all the acts of a session, and then bestowing the most profuse declarations of thanks upon the Lord Lieutenant, who perhaps had no more claim to merit from those acts than the post-boy who brought them over. As to the acts of the present session they were acquired by the virtue of the people and of parliament. Our former Chief Governor Lord *Carlisle*, and his Secretary Mr. *Eden*, were the advocates of Ireland ; had they remained, they would have rejoiced in granting our rights ; and when they were removed, they continued the advocates of our constitution. It is, therefore, no compliment to his Grace of *Portland* to attribute to him the acts of his predecessor ; it would be treating him with more respect to suppose him a man of sense, and conscious that he has no share in them.

The actions, not the words of any government, are the marks, said he, by which I form judgment of them.—A Nobleman and his Secretary, without ever having before been in Ireland, suddenly take up the utmost good will towards us, and become decided champions for our rights—resolve to root corruption from the land, and immediately set out post from London, to put these virtuous resolves in execution. Now let us look at what they have done :—are our rights, by an English act, fully, finally, and irrevocably acknowledged ?—No—the people do not think they are ; and though every method has been taken to persuade them to be satisfied with what has been done, every method has failed ; the most sanguine have only declared, that they accept the British act repealing the 6th of George I. as a final renunciation, and on that supposition are content. But the plain meaning of that de-

claration is, that if the repeal be not a renunciation, then they are not content. Now the most learned body in the nation has appointed a committee for four months to examine this question, and enquire if there be any grounds for them to be satisfied, and they have rejected the great efforts of men in whom they formerly had a confidence, and who would now persuade them that the repeal of the 6th of George I. is a renunciation of the usurped power of the British legislature. It will then appear that the present ministry have left undone, what they ought to have done, because they proposed to do it—and they have done what they ought not to have done, because they professed no intention of doing it :—they have lessened the effect of our exertions to restore the constitution ; and now, in the moment of danger, they draw away from us almost the last man, though in time of peace they indulge us in paying for near 15,000 troops. Whenever we want them we have them not—but we are sure to be burdened with them when we want them not.

As to the manner in which this ministry have treated a number of worthy gentlemen, I shall not expatiate on it, because it was done for the purpose of making extensive connections to lessen the influence of the crown ; but there is one gentleman (*Mr. Copping*) whose treatment has been as cruel as it has been unmerited—and I think ministry inexcusable if he is not provided for.

The Right Hon. Colonel *Fitzpatrick* said, the Hon. Member had acquitted government of any blame for his being out of office. He observed, that places were not property ; that the gentleman who had been appointed in his room, had got the place without soliciting it.

Mr. G. Ponsonby begged leave to assure the House he did not solicit the employment he enjoyed at present, nor would he accept of it when offered before he had waited on the Lord Lieutenant to represent to him the situation of his predecessor, and had his Grace's promise he should be provided for. At the same time, he declared to the House, neither himself nor any gentleman he was connected with, would ever hold any place that might be obtained on terms expensive to the nation.

Mr. Walsh.—I consider an address to a Lord Lieutenant as almost a matter of course. Did I mean to give any opposition it should now cease, as I hold it unmanly to embarrass an expiring administration ; I would wish therefore to have this address pass unanimously, and I think by making some alterations, and leaving out some untrue assertions, it will ; of this kind is that declaration, that England has fully, finally, and irrevocably renounced her usurped power of making laws for this country. The modification of the law of Poynings, if it passes in its present crude state, is pregnant with utter ruin to Ireland.

I am willing to give every merit that is due to the Duke of *Portland*, but I will not deck him in the honours that belong to Lord

Carlisle. If we derive any good from the repeal of the 6th of George I. our thanks are due to Lord *Carlisle*, for he recommended it to the administration of that day ; and had he continued in his office, it would have been done, but not in the shabby manner that it has ; it would have been a manly, unequivocal renunciation. So that if the Duke of *Portland* has any merit, it is, that he finished incompletely the plans of his predecessor. Lord *Carlisle* has also the merit of the Judge's-bill, and the restoration of the final judicature to the Peers is certainly due to him.

I give much praise to the Duke of *Portland* for the Mutiny-bill : and would ever praise him for the modification of Poynings' law, if that modification was a salutary correction of the constitution ; but, as it is, I cannot give him or the King's Attorney General any credit for it ; it is ruinous and destructive to the kingdom ; it is pregnant with the most confused implication ; it will either totally subvert the constitution, or leave it an utter chaos.

Mr. *Martin* observed, that he would give his most hearty concurrence to the address, and that no man, in some respects, wished more to compliment the Duke of *Portland* than he did ; he also said, he conceived the rights of Ireland to be finally established, and therefore he thought the House of Commons ought to speak perfect satisfaction ; he said, however, he was sorry to perceive that the people at large did not appear to be satisfied with what had been already done ; in this, he said, it was his opinion they were mistaken ; he observed, however, that if that opinion became general he should think himself excused for supporting any measure that might tend to remove their doubts, whether they were accurately founded or not ; he conceived, that nothing but the utmost wish of the people, could influence the House of Commons again to open a treaty which he conceived finally adjusted. He then observed, that under the impulse of the strongest feelings his mind was capable of imbibing from the mute eloquence of the gentleman (Mr. *Coppinger*) who bowed at your bar on his retiring : he should say a few words respecting him, a matter alluded to in the debate. He declared, his having no resentment to the Hon. Gentleman who succeeded to the office, but if his advice had been asked on the occasion, he would not have withheld it, he would have told the Honourable Gentleman, that as he was a young man of rank, fortune, connection, and abilities, he might hope in progress of time to fill and adorn the first office in the state ; he therefore said, as a young man, he ought not to have accepted an office which he knew must work the ruin of an ancient and respectable gentleman, and in advising him to decline it, he should state to him his reasons for so doing, telling him that if he laid by the profits of that office for a number of years, and put the money out to ten-fold interest usury, he was certain all that wealth could not bribe his family, to the last generation, to applaud his conduct. He said that the office which the Hon. Gen-

tleman had been deprived of, continued his only subsistence ; it did not move, it was the only subsistence he had for his family and creditors, with whom he shared more than the profits of a lucrative employment—he gave it almost all to them.—He said, for his part, if government had affronted him, by offering him the office in the manner the Hon. Gentleman had accepted it, he would have spurned at the idea : He said, if its value could be proved to equal the riches of the East and the West, he should equally despise it. He said, that had he accepted of an office which a gentleman had been thus traiterously deprived of, he must expect to be haunted whilst he lived by the angry image of the man whom he had ruined : He said, that his misery, in that respect, he could not hope to see ended, even with his life ; observing, if the injurer and the injured could ever meet in the other world, he must expect to hear himself reproached even there.

Mr. *Fitzpatrick* said, at all events the late council would have been removed, even if Mr. *Ponsonby* had not accepted his place.

Mr. *Fitzgibbon* said, he thought it necessary that government should have been furnished with some pretexts for his dismissal.

Mr. *Fitzpatrick* replied, that government must be the best judge of its proper servants ; and that that House was no place to agitate such things.

Mr. *Martin* then said, that he would for a moment dwell upon what reason appeared to him that could induce such a step : If you assert, said he, that the parliamentary conduct of that Hon. Gentleman gave you offence, how comes it to pass that many men, more exceptionable than he, are suffered to continue in office ?—The Hon. Gentleman carried into public that amiable disposition which he possessed in private ; and this, he said, must have induced him, whenever he supported government, not to do it on an unpopular principle. He said, for his part, he believed, and so must every gentleman, persecution to be foreign from the Duke of *Portland's* nature ; and that, therefore, he wished, for his own peace of mind, he may have an opportunity of making a suitable compensation to the gentleman to whom he had done so great an injury. He concluded by saying, he verily believed if the Duke of *Portland* were to die to-morrow, without making any compensation, and to retain his senses, he must die miserable for the wrongs he had done that unhappy gentleman.

The *Speaker* having put the question of the address, it was carried *nem. con.*

Sir *Lucius O'Brien* moved an address of thanks to the Speaker, which was seconded by Mr. *Grattan*.—Carried *nem. con.*

The order of the day for going into Mr. *Buſhe's* motion for camp equipage for 15,000 men.

The motion being made, it was seconded by Mr. *Fitzgibbon*.

Mr. Secretary *Fitzpatrick* asserted, that there was camp equipage for 10,600 men already provided, so that any more would be useless expence.

Mr. *Bushe* urged the necessity of the motion, as the enemy's fleet was riding on our coast, and Volunteers were not used to the hardship of veterans.

Sir *Lucius O'Brien* said, the expence would be enormous, and it was too late in the session to enter on the business.

Sir *Boyle Roche* spoke to the necessity of camp equipage, and all necessary utensils. He said, he had been in Munster, and found the people there averse to the recruiting service; occasioned, as he thought, by the sowers of sedition in and out of that House.

Mr. *Walsh* called him to order; and said, no person should dare allude to him.

The friendly offices of the *Provost* interfered, who proposed a vote of credit to government, to be applied, in case of necessity, to both the army and volunteers.

Mr. *Bushe* withdrew his motion.

WEDNESDAY, JULY 24.

Some bills received a third reading, and then the House adjourned 'till to-morrow. Then the Speaker, with the House, went up with the address of thanks to the Lord Lieutenant, for his just, wise, and constitutional administration.

THURSDAY, JULY 25.

Mr. *Martin* arose to make his promised motion: He observed, that under the impression which he received the day before from the mute eloquence of the late council to the commissioners upon his retiring at their bar, and from what Mr. *Martin* had then said, under that impression he now thought it his duty to submit a motion to the House of the last importance. He said, that he respected the Duke of *Portland* and his administration, and he desired that his intended motion might not be considered as tending to embarrass his government; on the contrary, it was meant to liberate his hands, to enable him to do an act of honour and of justice. The motion he intended to make was, that the following address be presented to his Grace the Lord Lieutenant.

“ *May it please your Grace,*

“ We see with extreme concern, that the exigencies of affairs have made it necessary for your Grace to remove the late council to the commissioners, an old and faithful servant of the crown, who discharged the duties of the office he filled with advantage to the crown, and without oppression to the subject; and our concern

is much increased, from knowing, that our feelings on this occasion are in unison with yours, sensible as we are that the use of an arbitrary discretion, and the spirit of persecution, are foreign to your nature. We therefore earnestly entreat your Grace, that your Grace will, as soon as conveniently it may be done, and in such manner as your Grace shall think most proper and suitable, bestow some office of emolument on the late council to the commissioners, or by some other means make him a sufficient compensation for the loss of the said office."

Mr. *Martin* said, in making this motion he had no view to disturb the gentleman who sat in the seat which was once filled by the late council to the commissioners. All he expected was that some adequate compensation might be made to a gentleman who had been tortiously disseised of his office. I shall not inform you, said he, that this gentleman has sat near 30 years among you—I need not tell you he was many years a Serjeant at Law, that he often went circuit as a Judge, and in that capacity distributed justice in every corner of your island with integrity and honour, with great ability, and to the satisfaction of all men—I need not say, that as council to the board of revenue, he supported the rights of the Crown without the oppression of the subject; that in every station in public life, and in private, he was respectable; that he was honoured and loved by all who knew or had heard of his virtues. This gentleman had originally a great, splendid and opulent fortune, and I will tell you how that fortune was consumed. He hath no reason to blush when he acknowledges that he is not now worth a shilling. A great part of that fortune was consumed in acts of munificence and generosity, the rest of it was taken from him by a visionary, though not a criminal project, to improve the land in which he lived. After delivering an handsome panegyric on the character and conduct through life of Mr. *Coppinger*, Mr. *Martin* proceeded: I have now told you what he has done, let me now, Sir, inform you what he has not done. He never, Sir, at an early age, or at a late period of life, stood forth the avowed advocate of corruption; he never said within these walls to the greatest character that ever adorned this country (Mr. *Flood*) a character not to be prophaned by the tongues of impious men, whose name will die only when our constitution expires, and whose transcendent abilities will be handed down to posterity while the history of this island shall be read, her laws or her constitution considered; he never told him, Sir, who is the present adoration of this age, and whose death will hereafter be lamented as the bitterest calamity with which angry Heaven has visited this land; whose transcendent merit is such, that it keeps the merit of every other man at an awful and respectful distance—whose abilities are of such a godlike nature, that I protest if ever I shall stand forward the advocate of the present æra, I shall do it by telling my son, if God shall bless me with a child, that the period

in which I existed was preferable to that in which he may live; I shall say was preferable, because I lived in the same æra and had the honour to be born in the same country with that great man. I say, Sir, that he never told him when he was delivering the dictates of wisdom, and when he was in possession of the first office in the state, an office, by accepting of which he laid a precedent to shew a possibility of Irish hopes to aspire to it; he never told him that his title to that office was base, that it depended on his proving that he did not deserve to enjoy any office at all. He never said to that great man, when differing upon a great constitutional question with the treasury bench and with the minister of that day, you must expect, Sir, to be proscribed, you have done an unwarrantable act in differing with us, it is silly in you to suppose you can hold your office, and refuse your support on any occasion to government; and indeed if he had said this he would have spoken prophetically—the prophecy would be now fulfilled, for the fact has actually happened. I say, had he said this, he would have merited punishment, but he might have held his office; for the man who did say it, now enjoys his office.

Sir, I am happy to hear that the minister of the day joins me in thinking that compensation ought to be made this gentleman; and let no man tell me, for I will not listen to such court nonsense, that because it is the wish of this House that compensation ought to be made, that therefore no compensation shall be made: Sir, I say that the address will have this decided good effect—it will enable his Grace to make compensation in any manner he shall think fit—for without an address of this kind he might not think himself justified in granting any pension, and without granting a pension, from the shortness of his stay, he may not have it in his power to make adequate reparation. If he means to provide for him, the address only shews that we agree with him in opinion; but if an opportunity may not happen during his administration, this address will be a letter of direction to those who will succeed him, and speak the decided opinion of this House. And give me leave to say what a succeeding administration may think: Sir, a succeeding administration will never dream that any man who never intermeddled with politics, at least offensively, could ever be removed from his office without the commission of some crime. The next Lord Lieutenant would say to him, “To restore you to office would be a satire on the great name of *Bentinck*, for he could never think of removing without just cause.”

It is now clear, from every inference of fair argument, that the address ought to be voted, whether the Duke of *Portland* can comply with it or not. Sir, in treating of this business, I do not mean to throw the least blame or reproach on the Right Hon. Secretary, whose feelings and mine are similar; and when I say this I perhaps pay myself too great a compliment, for there is no man's feeling I would sooner adopt. Sir, I am sure that if the black

scroll which signified the dismissal of Mr. *Coppinger* could now be brought to your bar, it would be a record speaking fully in his favour: You would there see that his tears mingled with his ink, that his heart relented, and that his hand shook when he officially signed the dismissal.

Sir, in order to look as we ought at the enormity of this foul transaction, let me suppose that previous to the late council to the commissioners be dismissed, he had met the present, and had said to him—Sir, I am an old man, you are a young one—I cannot live long—I am tired of life—I am worn out with misery and the ingratitude of men—I therefore cannot long be an obstacle to your ambition, and when I die, if this office be an object to you, I will bequeath it to you with my blessing—If your avarice or ambition be of such a devouring nature that it can only be gratified but by the ruin of some one, look out for a younger man, not worn out by misery as I am—find some man who had not the misfortune to beget a child, as I have, at the moment only when he was unable to provide for it—If you take my office, I must bequeath you my wife and child.—And if his successor had accepted the bequest, he might thank the young gentleman—he might say, you untied my hands, suicide is now no crime.—Sir, I say, had this happened to me, I should have rejected the office, if the words I made use of to reject it were the words that conveyed life from me; I should say to myself, so long as I can wield the implements of husbandry, or so long as I can support life by the charitable donations of the public, I will not thus dishonour myself. Let me now counsel the young gentleman—let me say to him, tear from you, as he would the poisoned shirt, the ill-fated gift of Dejanira, the office your character is now encumbered with—tear from you that office before you warm in it—tear it from you before its infamy commixes with your blood and tarnishes your honour. I now, Sir, call on the old gentleman, father to the gentleman to whom I have been addressing myself—I say to you, go to the Castle, you have often gone for worse purposes—I say worse purposes, because you never could go there on so good a purpose—say to his Grace, without the servility of a courtier, “Sir, you meant to serve me and my family, you have injured me, and you have disgraced your government—my son has abilities, and he wishes to rise on the broad basis of his own merit, and if he cannot thus rise, I desire to see him low for ever—take back this gift, and give it to the proper owner.” I desire the old gentleman to go while it is possible he can get admittance to the Castle; for when the enormity of this foul deed has got into the mouths of the public, I appeal to the bar, I appeal to the gallery, I appeal to the soft breast of beauty that adorns that box, formerly consigned as the habitation of court sycophants; I say if you do not go now, the serjeant of the battle-axe will not open the door for you—the aid de camp in waiting will not present you, for

both aid de camp and the serjeant will suppose that your return is the signal of your dismissal ; if you do not go, I pledge myself that I will go, though my horses feet have not torn up the smooth pavement of the Castle yard, though I have not unnapped the carpet of the presence chamber with my frequent visits, and dinned in his ear servile flattery—I will exhort him as the ambassador of the unhappy man, to redress, and if he does not redress him here, I will follow him to Great Britain and urge the suit of the unhappy man again. I will find the way to St James's, I will get myself presented to the royal sovereign, and I will tell the injustice done ; and that the best chief governor, with the best intentions, has done an act that would dishonour Verres, that would disgrace the regions of Constantinople—I would tell him all this, because, in his royal breast, to know and to redress a grievance are one.

Sir, I am told that nobody solicited this office. I am sure no member in this House did ; for if a member of this House did, I should expect to see him as Cataline was seen in the Roman senate—I should find him deserted—I should see the bench on which he sat abandoned—If such a man was partaker of our debate, or the object of it, I could not sit easy in this House—I could not rest happy in the kingdom : and if I thought humanity could be disgraced by the existence of such a being on our terrestrial globe, my opinion of mankind would be lower. If he existed in Ireland I should disown my country where-ever I travelled. Who then has done this mischief ? Possibly some toothless dame who has lost beauty, though not those passions of rancour and avarice which last wing their flight from the female breast ; I think I see such a fiend in the presence of my Lord Lieutenant with a placid countenance, but with an unfeeling heart. I think I see her, Sir, prophaning your name, reviling even your grave and respectable character, and saying that you should not adorn that chair another session. I think I see her with the malignity of a Sylla, proscribing the senators that now sit around me, and saying, that this man or that man shall not fill any office, because he is not of my faction. But, Sir, it is said that Mr. *Coppinger* was, at all events, to be spoiled of his office ; good God, Sir, had the Secretary seen him as I have seen him, he would retract that assertion, had he seen him—but I will not describe what I have seen—suffice it, that injured and unoffending man seemed to me to take to himself that shame which only belongs to him who spoiled him ; the unhappy patient felt that anguish which only belonged, which should have been the portion of those who caused his sufferings. I say, Sir, that if his office be given up by the present possessor no man will take it. I will ask you, Sir, and you, Sir, if you had a son, whether you would allow him to take it ? I will ask the Solicitor of the Revenue, who I now see foremost at your bar, whether he would then accept of it ? I think I pay no compliment to this House when I say there is not a man in it that would accept the

office; for I believe there is not a man in the nation would accept it. We must rummage the cells of Newgate to find an occupier for one of the most lucrative offices in the law department, so degraded at present is it in public estimation. I counsel the gentleman with whom I was once connected, to give it up before it is torn from him, or before he is torn from the office. I say the office is unpopular, and the people will not let you hold it: The wickedness of the act will be echoed through every part of the nation, from the north to the south, and from the east to the west, and when fathers make their children acquainted with the infamous deeds done in their memory, they will teach their infant tongues to lisp this tragical transaction. The words of it will be set to music; it will be sung by the volunteers amidst the clangor of arms—they are brave men, and, of course, hate persecution.—Sir, I would recommend the gentleman to think himself already very well provided for—let him take back his office of clerk to the ship entries—it was a sufficient reward for his juvenile essays under the administration of Lord *Carlisle*—an administration that I will not speak unfriendly of, though I did not support it.—I say that what the Hon. Gentleman received under my Lord *Carlisle* was a sufficient reward for his services to him; and possibly the reward was nearly equal to the great gratitude he manifested on Lord *Carlisle*'s departure; and the honour of having supported the Duke of *Portland* in this country, and the consolation that virtues like his will sooner or later meet their own reward, may, for the present, upon reflection, seem to him adequate to his merit, and therefore should be satisfactory to his ambition.—Mr. *Martin* then said, that their rage for œconomy might object to their making provision by way of pension. He likened this to the case of a robbery petition—that when a house is burned, or a robbery committed, the county is assessed by presentment of the grand jury: If the grand jury with-holds a presentment in such case, they encourage, in the language of the law, they aid and abet the robbery; as you do here; for I say you do assist the spoiler, and join in the spoliation, if you do refuse to make compensation. You have found the thief in the mainour—I have pointed him out to you—and if you do not do justice, the blame rests at your door.

He said, he felt himself to be criminally guilty in having understated the cruelty of the act: That he used words inadequate to the feelings of which he was possessed; but if restitution was not made to this unfortunate gentleman, the present council to the commissioners, himself, should confess that what he had said was moderation to what he had yet to say upon that subject.

The Hon. Mr. *Brown* seconded the motion; more especially, he said, as it was redressing one man without doing an injury to another.

The Right Hon. Colonel *Fitzpatrick* said, it was the intention of his Grace the Lord Lieutenant to take the first opportunity of making a provision for Mr. *Coppinger*. He would not, he said, enter into the argument; but gentlemen should not look upon places as certainties for life; but it lay at the pleasure of the crown to chuse its own servants.

Mr. *Martin* went again into the merits and misfortunes of Mr. *Coppinger*, and insisted that there could be no sort of plea for depriving him of his office.

Mr. *Alexander Montgomery* and Mr. *Brown* supported this opinion, and urged the necessity and justice of making compensation.

Mr. *G. Ponsonby* declared he never sought the office, and called the Secretary to witness that he did not seek it. He had a design of resigning, but he thought that he could not in honour do it now; it would shew a mean timidity. He felt himself perfectly innocent in the whole transaction, but would not part from his office, unless he was turned out by an address of that House.

Mr. *Walsh* supported the address, on the ground of Mr. *Coppinger's* merits, and that it would stamp a stigma on the national character, to see such a man removed from office without a cause, though he confessed the discretionary power of government to change its servants.

The Right Hon. the *Provost* said, it would be honourable in the Lord Lieutenant to provide for him; it seemed to be the sense of the whole House, but as the Right Hon. the Secretary had mentioned the intentions and good will of his Grace, he begged of the Hon. Mover to withdraw his address, as it would be rather hurting the interest he meant to serve. He at the same time confessed that he did not know any gentleman more proper for the office than the gentleman who succeeded Mr. *Coppinger*.

Mr. *Fitzpatrick* exculpated Mr. *Ponsonby* from any idea of solicitation on this subject, and mentioned again the intentions of the Lord Lieutenant to make a provision if an opportunity offered.

Under the idea that such provision would be made, Mr. *Martin* withdrew the address.

The House adjourned until Saturday.

SATURDAY, JULY 27.

The House attended the message of the Lord Lieutenant in the House of Peers, when twenty-eight public and private bills received the royal assent.

After which his Grace made the following speech from the throne:

“ My Lords and Gentlemen,

“ The great and constitutional advantages you have secured to your country, and the wise and magnanimous conduct of Great Britain, in contributing to the success of your steady and temperate exertions, call for my congratulations, on the close of a session which must ever reflect the highest honour on the national character of both kingdoms.

“ It must be a most pleasing consideration to you, to recollect, that in the advances you made towards the settlement of your constitution, no acts of violence or impatience have marked their progress. A religious adherence to the laws confined your endeavours within the strictest bounds of loyalty and good order; your claims were directed by the same spirit that gave rise and stability to the liberty of Great Britain, and could not fail of success, as soon as the councils of that kingdom were influenced by the avowed friends of the constitution.

“ Such a spirit of constitutional liberty communicating itself from one kingdom to the other, must naturally produce that reciprocal confidence and mutual affection, of which we already begin to feel the most salutary effects. A grateful zeal and generous ardour have united this whole kingdom in the most cordial and vigorous exertions, which promise effectually to frustrate the designs of our common enemy, and to re-establish and secure the glory of the whole empire.

“ Gentlemen of the House of Commons,

“ When I consider the very active and liberal part you have taken in contributing to these great and glorious events, I must as distinctly express to you his Majesty's sense of the last effusion of your generosity for the defence of the empire, as I must return you his most gracious thanks for the supplies which you so cheerfully voted at the beginning of this session. His Majesty's royal example not only secures to you a most just and economical application of the aids you have granted him, but affords you a most solemn pledge of attentive investigation into every means which the circumstances of this country will afford to alleviate the burdens of his loyal and grateful people. To co-operate with you in carrying into effect, this most benevolent disposition of his Majesty will afford me the highest gratification, and manifest to you the sentiments I shall ever entertain, in return for the confidence you have reposed in the sincerity of my professions for your welfare.

“ My Lords and Gentlemen,

“ In contemplating the services which your unremitting assiduity has rendered to the public, I must indulge myself in the satisfaction of specifying some very important acts, which will most materially strengthen the great constitutional reform you have

completed, and which will for ever distinguish the period of this memorable session. You have provided for the impartial and unbiassed administration of justice, by the act for securing the independency of judges. You have adopted one of the most effectual securities of British freedom, by limiting the Mutiny-act in point of duration; you have secured that most invaluable of all human blessings, the personal liberty of the subject, by passing the Habeas Corpus act: you have cherished and enlarged the wise principles of toleration, and made considerable advances in abolishing those distinctions, which have too long impeded the progress of industry, and divided the nation. The diligence and ardour with which you have persevered in the accomplishment of these great objects, must ever bear the most honourable testimony of your zeal and industry in the service of your country, and manifest your knowledge of its true interests.

“ Many and great national objects must present themselves to your consideration during the recess from parliamentary business; but what I would most earnestly press upon you, as that on which your domestic peace and happiness, and the prosperity of the empire at this moment most immediately depend, is to cultivate and diffuse those sentiments of affection and confidence which are now happily restored between the two kingdoms. Convince the people in your several districts, as you are yourselves convinced, that every cause of past jealousies and discontents is finally removed; that both countries have pledged their good faith to each other, and that their best security will be an inviolable adherence to that compact; that the implicit reliance which Great Britain has reposed on the honour, generosity and candour of Ireland, engages your national character to a return of sentiments equally liberal and enlarged: Convince them that the two kingdoms are now one, indissolubly connected in unity of constitution and unity of interests; that the danger and security, the prosperity and calamity of the one, must equally affect the other—that they stand and fall together.”

Then the Lord Chancellor, by his Grace's command, said,

“ *My Lords and Gentlemen,*

“ It is his Grace the Lord Lieutenant's pleasure, that this parliament be prorogued to Tuesday the 24th of September next, to be then here holden; and this parliament is accordingly prorogued to Tuesday the 24th of September next.”

F I N I S.



